

PLANNING COMMITTEE – 18 OCTOBER 2022

CONFIRMATION OF TREE PRESERVATION ORDER REF. TPO/0004/2022– LAND 5 BARRENS CLOSE, GU22 7JZ

Executive Summary

The purpose of this report is to recommend to the Committee that a Tree Preservation Order be confirmed following the receipt of one letter of objection to the making of the Order. The Tree Preservation Order protects an individual Birch tree on Land at 5 Barrens Close.

Recommendations

The Committee is requested to:

RESOLVE that Tree Preservation Order Ref. TPO/0004/2022 be confirmed without modification

This Committee has authority to determine the above recommendations.

Background Papers:

Plan from Tree Preservation Order showing location of tree

Letters of objection:

Dr Afsha Ahmed (**Appendix 3**)

ROVR BS5837 Report (**Appendix 5**)

Notes from Kieron Hart Arboricultural Consultant (**Appendix 6**)

Reporting Officer:

Thomas James

Ext. (74)3435, E Mail: Thomas.james@woking.gov.uk

Contact Officer:

Dave Frye, Arboricultural Officer

Ext. (74)3749, E Mail dave.frye@woking.gov.uk

Introduction

A Tree Preservation Order was made on 7th July 2022 to a mature Silver Birch on Land at 5 Barrens Close Ref TPO/0004/2022 (**Appendix 1**)

1.1 The plan showing the location of the tree is attached at **Appendix 2**.

One objection was received to the making of the Tree Preservation Order. This objection is attached shown at **Appendix 3**.

1.2 Notwithstanding the objections received to the making of the Tree Preservation Order, the recommendation is that it be confirmed without modification.

2.0 Background Information

2.1 The site of 5 Barrens Close is situated within a 1966 area order. These area orders protect all trees which would have been around at the time the TPO was made, which in this case is 1966.

2.2 On the 8th June 2022 the council received an email which contained details from an arboricultural consultant who threw doubt as to whether the tree was old enough to be protected by the TPO given the species and size of the tree. There has also been previous planning applications which have shown that the tree should be removed as part of the development process.

2.3 Given the foreseeable threat to the tree and to eliminate any doubt about its protected status, the council has placed an individual TPO on the tree.

3.0 Letters of objection

3.1 One letter of objection was received by the Council on the 3rd August 2022 by Dr Afhsa Ahmed (**Appendix 3**).

3.2 The objection begins by explaining some of the early contact the owners of the property have made to the councils arboricultural team to ascertain whether or not the tree in question was protected by the TPO. At the time of these enquiries, the councils position was that the tree was considered to be old enough to be covered by the TPO.

3.3 The objection states that the owners have been misled regarding the protected status of the tree, however, as previously stated, in order to eliminate doubt regarding the trees protected status, the council has placed a new TPO on the individual Silver Birch.

3.4 Grounds for objection –

- The amenity value of the tree is diminished given its location within a private road only accessible by residents of Barrens Close
- There are other trees in the area which make a positive contribution to the street scene of Barrens Close and White Rose lane but not the Birch Tree Subject to this TPO
- The tree has been reviewed by 2 arboricultural consultants who concur that the tree is a U grade category tree with a lifespan of less than 10 years. The objection also states that there is also structural damage to one of its roots thus resulting in a further reduction of the trees long term viability.
- The tree is located in close proximity to the property and is therefore a threat to its structure and those that live adjacent to the tree. Evidence highlighting potential structural damage has been submitted and shown in **Appendix 7**

- The objection highlights that the tree does not meet the requirements of the TEMPO (Tree Evaluation Method for Preservation Orders).
- There is no future amenity value of the tree given its short lifespan, its poor condition and damage to the home.
- The tree officers have become entrenched in their own view points and that they are unable to accept or entertain the objective evidence present thus far.

3.5 The Tree Officer's response to the objections received is as follows:

- The trees amenity can be justified by the fact the it can be seen from White Rose Lane and is visible from the public footpath which runs along the rear boundary of the property. The trees is also visible from Barrens Brae and Barrens Close and whilst these two roads are private the community within these two roads benefit from the trees sylvan nature.
- The sylvan character of the area is considered to be high and all trees which are protected in the area add to the value of the local treescape. The Silver Birch in question adds to that sylvan character. When considered individually it could be considered that there are other trees in the area which will continue to add to the local treescape, however, it is important to consider that it is a collection of individual trees which create a sylvan treescape. Therefore the loss of one may encourage further tree loss in the area and ultimately reduce the sylvan character of the area.
- The classification system used within a BS5837 report aims to establish a trees individual quality by categorising them into 1 of 4 areas (A,B,C or U). BS 5837 aims to justify tree removal or retention during the development process and ensure that trees to be retained are appropriately protected. Whilst it can identify significant issues associated with trees and thus recommend a lower quality, it does not fully assess structural or long-term issues associated with a trees health. In this instance a previous planning application identified that the tree was a U grade and was therefore shown for removal. The council disagree that it has been appropriately categorised and believe that the tree can be retained. With regards to the damaged root, it is evident that there has been previous damage to one of the trees buttress roots, however this is historic, and the trees shows no signs to have been detrimentally affected such as significant crown dieback or instability. It is advised that a health and safety report is carried out if the owners of the tree are concerned about the long term health of the tree.
- Photos have been provided which shows cracks in a garage and along paving within close proximity to the tree. Whilst cracking is evident, no evidence has been submitted to suggest that the tree is directly to blame. It should be noted that solutions are available to repair the damage that has occurred whilst retaining the tree long term. With regard to the paving, there are arboricultural solutions to repair the path and retain the tree.
- The council has carried out a TEMPO assessment (**Appendix 4**) which has determined that a TPO is "defensible". As identified within the TEMPO guidance notes a defensible TPO "applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'". Defining gut feeling can be difficult and is entirely subjective, however, it is important to consider the other factors which have placed the tree under threat and what the long term effects tree loss would have on the sylvan character of the area.
- With regard to the point referencing that the tree officers have become entrenched in their view, there has been an open channel of communication and various site visits made over the years to appropriately assess the tree and its quality. It should be considered that the view contained within the objection is subjective and the council complaints procedure is better suited for such issues. Therefore this perspective should not be a material consideration in the confirmation of the TPO.

4.0 Implications

Financial

4.1 None

Human Resource/Training and Development

4.2 None

Environmental/Sustainability

5.0 Conclusions

5.1 Given the trees high public amenity value and the threat from removal, protection of the tree is considered appropriate and it is recommended that the Tree Preservation Order be confirmed without modification.

REPORT ENDS