

Confirmation of Tree Preservation Order

Trees at Sunnyside, Pinewood Drive, Loggerheads

Tree Preservation Order No 194 (2018)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Provisional Order

The Provisional Tree Preservation Order protects trees at Sunnyside, which is a site that has been subject to a recent outline and reserved matters planning applications.

The provisional Tree Preservation Order was served using delegated powers on 15/05/2018. The consultation period ended on 12/06/2018.

Approval is sought for the order to be confirmed as made.

The 6 month period for this Order expires on 14th November 2018

RECOMMENDATION

That Tree Preservation Order No 194 (2018), Sunnyside, Pinewood Drive be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Background

This site had been subject to a recent outline planning application, and although no reserved matters application has been submitted considerable tree loss and pruning works had been undertaken. A subsequent reserved matters application included further tree loss which could not be supported. Damage had taken place to trees on this site as vehicles have recently tracked over ground with no Tree Protection fencing installed.

There are trees on this site which are already affected by Tree Preservation Order T7/9.

As a result of recent tree loss, remaining trees have an increased importance as views into the site had been opened up considerably.

Trees on this site make a valuable contribution to the local setting and are clearly visible from Pinewood Drive, Eccleshall Road and from publically accessible woodland to the South west.

The trees make a valuable contribution to the local landscape and their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

Trees identified good shape physiological and structural condition (confirmed in the site owners own inspection), and are of a sufficient quality to be retained.

In order to protect the long term well-being of these trees, they should be protected by a Tree Preservation Order.

Representations

Following the consultation period two representations were received.

One representation supported the order:

We agree with your comments and your subsequent objection that has been logged on the planning website, and consider the preservation order a must considering the work that has been undertaken with total disregard taken to protect the trees and roots in accordance with requirements and landscaping.

One representation objected to the order:

I am objecting for the following reasons and question your reasons for placing TPO194

You state your reasons for putting the order in place is for the following:

This site has been subject to a recent outline planning application, and although no reserved matters application has been submitted considerable tree loss and pruning works have been undertaken. The recent reserved matters application includes further tree loss which cannot be supported. Damage has taken place to trees on this site as vehicles have recently tracked over ground with no Tree Protection fencing installed.

No tree on this site has been cut down which was not already approved in the outline planning application. Trees that were agreed to be removed under the outline planning application have now been protected by a TPO. No works have been undertaken under this application, the only works that have been carried out are by the house holder. No damage has taken place to any trees on this site as no vehicles have tracked over the ground. No tree protection fencing has been put in place as no construction work has taken place. I am therefore at a loss as to why this reason has been given for placing the order for TPO194. I have to ask why this was not put in place 2 years ago when the outline planning application was submitted which clearly detailed the works that were to be carried out?

You then state in your letter:

As a result of the recent tree loss, remaining trees have an increased importance as views in to the site opened up considerably.

I have to say again, you were fully aware of this under the approved outline planning application, so why did you not put a TPO order in 2 years ago when you reviewed the outline planning application?

Your next justification:

The trees make a valuable contribution to the local landscape and their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

This is not the only calculation needed to take in to account when determining a TPO order, you also need to take in to account, condition, structure, visibility before after the development, life expectancy, rarity and many other factors.

Your final justification!

The trees identified good shape physiological and structural condition, and are of a sufficient quality to be retained.

I would like to draw your attention to David Bailey's tree report submitted as part of the **agreed** outline planning application. In this report, it shows that out of the 10 trees listed under TPO194, 80% are category C trees of low quality, 80% have a life expectancy of no more than 20 years. This clearly shows that the trees do not warrant a TPO

T1/NS26	FAIR COND	>10-20 YEARS	LARGE TREE	CAT C
T2/NS23	GOOD COND	>20-40 YEARS	LARGE TREE	CAT B
T3/NS21	GOOD COND	>20-40 YEARS	LARGE TREE	CAT B
T4/W12	FAIR COND	>10-20 YEARS	SMALL TREE	CAT C
T5/CH11	FAIR COND	>10-20 YEARS	MEDIUM TREE	CAT C
T6/OK8	FAIR COND	>10-20 YEARS	LARGE TREE	CAT C
T7/NS6	FAIR COND	>10-20 YEARS	LARGE TREE	CAT C
T8/SB4	FAIR COND	>10-20 YEARS	SMALL TREE	CAT C
T9/SB3	FAIR COND	>10-20 YEARS	SMALL TREE	CAT C
T10/SB1	FAIR COND	>20 YEARS	SMALL TREE	CAT C

When taking all of the above factors in to account which are required when justifying the amenity value of a tree which allows a TPO order to be placed on it, I cannot find any justification for TPO194.

After having my own Tree Evaluation Method for Preservation Order carried out onsite it has been identified that that 7 of the trees do not justify a TPO order and 3 of the trees would warrant further evidence if a TPO order was to be placed.

In summary, you have provided no sound justification for the amenity values for the trees what so ever to issue TPO194, the reasons you have provided are poor, unjustified and have no evidence. To place this order 2 years after the outline planning was approved is totally unacceptable. I must insist that TPO194 is not confirmed and is withdrawn immediately. In the event that this is not withdrawn you will leave me with no option other than to pursue this matter through a more formal route.

Officers consider that the main issues covered in the objection are:

The outline permission granted in October 2016

The applicant states that no tree on this site has been cut down which was not already approved in the outline planning application.

The outline approval did not give permission to carry out tree works. This permission secured was for all matters to be reserved except for access. Condition 13 states that 'a schedule of works to retained trees' was required to be approved; this is irrespective of whether they were covered by the Tree Preservation Order. Officers had concerns about some of the works that had been suggested in the arboricultural report which was why the additional information had been requested by way of the planning condition.

The representation questions why order was not put in place two years ago when the outline planning application was submitted.

Officers did not consider that trees on the site were under any threat two years ago, as no unauthorised tree works had taken place. Suitable planning conditions had been applied to ensure that trees would be fully considered at the reserved matters application stage.

Following the outline permission unauthorised tree works took place on site (including works to trees that were affected by the existing TPO T7/9). The subsequent reserved matters application denoted a further loss of trees including the loss of an additional category B tree (NS23) to accommodate a garage. The submitted landscaping plan (which if approved would also be part of the decision) showed the retention of only 10 of the existing trees.

As a result of the works carried out and further loss that was proposed, officers considered that in order to protect the long term well-being of the remaining trees they should be protected by a Tree Preservation Order.

Damage to trees on site

No damage has taken place as no vehicles have tracked over the ground.

Officers visited the site when vehicles were present on site and the applicants arboricultural consultant refers to trafficking over the outer perimeter of Root Protection Areas.

Justification for the Tree Preservation Order

The representation questions that 10 category C trees have been included in the order with life expectancy of no more than 20 years and that no justification for the amenity value of the trees, reasons are poor unjustified and have no evidence.

All of the trees that have been protected have been assessed by the applicants own arboricultural consultant as good or fair condition, and of good physiological and structural condition.

Officers had questioned some of the low categories allocated by the applicant's consultant (which corresponds to life expectancies) to the more major trees on this site early in the outline application phase.

Officers completed a full Tree Preservation Order Assessment and are satisfied that the protected trees do have sufficient remaining life to warrant protection through the tree preservation order.

All of the trees affected by the new tree preservation order are visible from publically accessible positions on Pinewood Drive, Eccleshall Road and from publically accessible woodland to the South west. The trees make a valuable contribution to the local landscape and their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

As a result of recent tree loss, remaining trees have an increased importance as views into the site have been opened up considerably.

Issues

Following the serving of the provisional Tree Preservation Order, adjustments were made to the proposed layout which allowed for the retention and protection of all protected trees. This reserved matters application (18/00296/REM) was approved on 31st July 2018 subject to planning conditions.

The making of the Order will not prevent the owner from carrying out good management of the trees, nor improving or developing the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction.

In order to protect the long term well-being of the remaining trees on this site they should be protected by a confirmed Tree Preservation Order.

Date report prepared

27th September 2018