

PLANNING COMMITTEE

08/08/2019

Tree Preservation Order (TPO) title & no.	Land at land on the southwest side of 8 Paddington Grove, Bournemouth
	Tree Preservation Order 1210/2019
Ward	Bearwood & Merley
Date TPO served	26 th February 2019
Type of TPO order	Individual (protects one red oak - <i>Quercus rubra</i> , marked as T1)
Confirm limit	26 th August 2019

Consultation expiry date	26 th March 2019	
Total no. of responses with comments and dates received	N/A	
Total no. of support responses and dates received	1	18 th March 2019
Total no. of objection responses and dates received	1	13 th March 2019
No. of outstanding objections (to be considered below)	1	

Recommendation	To confirm Tree Preservation Order 1210/2019, Land at land on the southwest side of 8 Paddington Grove, Bournemouth as made.
Reason for decision	Due to unresolved objection. Item was triggered to be considered by the Planning Committee under the former Bournemouth Borough Council scheme of delegation.

Local planning authority's response to public consultation

The key actions taken by the Local Planning Authority after the TPO was served:

- 1 Prior to receipt of the written objection on the 13th March 2019, an email exchange took place between the arboricultural consultant who submitted the objection on behalf of the

planning consultant. Much of this email exchange was included as an appendix (appendix 1) to the written objection submitted by the arboricultural consultant.

- 2 On the 7th March 2019, prior to the submission of the written objection, the arboricultural consultant concerned requested that confirmation of the order be determined by the Planning Committee.

Relevant Policies

The policies relevant to this TPO confirmation are:

- 3 The Town and Country Planning (Tree Preservation)(England) Regulations 2012
- 4 The Bournemouth District Wide Local Plan Policy 4.25 requires that any development provides sufficient land for planting and landscaping, including trees. It also states that priority should be given to the inclusion of native trees and plants.
- 5 The adopted Bournemouth Tree Strategy 2014-2024 refers to planning control and planning policy in relation to trees. Section 8.3 states that the Council's aim is to review and increase the coverage of tree preservation orders.

Outstanding objections

Outstanding objections refer to the following issues:

- 6 Issue 1 – That the tree fails to meet the criteria given in government guidance in order to qualify as one that merits protection. The objection refers to expediency and states that there are development aspirations for the site. It acknowledged that there is a current planning application for the site and that the applicant, whilst aware of the constraints presented by trees, may have pre-emptively acted to remove the tree prior to the issue of the TPO. The objection also states that retention or loss of the tree could have been considered under the planning process without recourse to the TPO.
- 7 Issue 2 – The objection also refers to amenity and states that authorities should be able to explain to landowners why their trees have been protected. Reference is made to the criteria set on in TEMPO (Tree Evaluation Method for Preservation Orders) and cites visibility as one factor associated with any such evaluation of a tree for a new TPO). The objection states that the tree provides almost no public amenity and is screened by buildings, other than when glimpsed from a certain public vantage point. The objection also states that the order was made to preserve the amenity value of the area, but in the absence of significant public amenity it cannot do this.
- 8 Issue 3 – The objection refers to trees 'normally' being visible from a public place but states that there are exceptions for high value trees, which may not necessarily be visible from public places. The objection states that the red oak in question does not meet the criteria to be considered as exceptional because it is young, rapidly growing and of a common occurring species.
- 9 Issue 4 – That the tree is an inappropriate species for its location and cannot reasonably be retained in the long term. The objection raises concerns regarding the growth potential of a red oak and states that the tree at Paddington Grove is about 30 years old and may dominate the small gardens within a relatively short space of time, even if conditions prevent it from reaching full size.

- 10 Issue 5 – The objection raises concerns regarding nuisance associated with the tree and that the property owners should not be expected to retain a tree where overhang will leave little space open to sunlight or free from falling debris which will affect garden activities. The objection also states that the tree may block sunlight from the rear elevations of the buildings and that it is unreasonable for the owners to tolerate increasing nuisance in relation to the tree.
- 11 Issue 6 – The objection also refers to options for management by pruning and that retention of the red oak will entail periodic crown reductions to contain its height and spread. The objection states that such work can be harmful and refers to the relevant British Standard for tree work (BS 3998:2010 Tree Work – Recommendations). The objection also states that any such work would reduce any potential future views of the tree and places a burden on the owners of the tree.

Response to outstanding objections

The local planning authority's response to the outstanding objections are:

- 12 Issue 1 refers to development aspirations and a current planning application in relation to land where the tree is located. Matters of this nature are beyond the scope of this report and have no bearing on the tree preservation order. Concerns regarding the expediency of the order are also unfounded, as the local planning authority may make a tree preservation order to protect trees in the interest of amenity when it is considered appropriate to do so. In this particular case, the expediency of the order was deemed to be of sufficient concern to warrant the making of the order. The relevant Planning Practice Guidance concerning tree preservation orders refers to the granting of planning permission and the provision of tree preservation orders where such action appears necessary to the authority.
- 13 Issue 2 refers to amenity in relation to a new tree preservation order and indicates that, in the view of the arboricultural consultant, there is limited public amenity associated with red oak T1. A site visit was carried out prior to the issue of the TPO and an assessment of the visual amenity value of the tree and other relevant factors were completed by the officer concerned. The tree was viewed from all angles and found to be visible from several public vantage points along Paddington Grove, including the junction of Paddington Grove and Ringwood Road.
- 14 The tree is also visible from the rear of the adjacent St George's Drive. Given the numerous public vantage points, including clear views of the tree from surrounding residential properties, the tree clearly provides a significant degree of public amenity which will only increase over time. The report only refers to one specific vantage point and therefore does not appear to be an accurate reflection of the amenity value of the tree.
- 15 Issue 3 refers to exceptional qualities in relation to high value trees. Red oak T1 is (as stated in the objection) a young tree. Whilst it may not have the exceptional qualities of certain trees, such as rare and unusual trees, those with cultural or heritage value or veteran and ancient trees, it has an excellent retention span. The retention span (life span) of a tree is another important factor in considering the worthiness of a tree for a tree preservation order. It is acknowledged that trees of significant age or other intrinsic values are prime candidates for tree preservation orders, but, it is also essential to consider younger trees as being equally important and worthy of protection. Trees cannot become significant in terms of age or heritage value unless they are allowed to grow and mature and

it is therefore very important to protect young trees to ensure they can be maintained effectively for generations to come.

- 16 Issue 4 raises concerns regarding the potential growth of the tree and its suitability for the location. It is acknowledged that red oak (*Quercus rubra*) will grow to become a large tree over time and there are many fine examples of mature red oaks across the Bournemouth area. In relation to T1 red oak, the subject of this tree preservation order, the tree is a good distance from the dwellings and does not appear to be dominating the garden of the dwelling at 8 Paddington Grove or neighbouring properties.
- 17 Under the tree preservation order, any desired tree work can be applied for via the standard TPO tree works application. This is a free service and there is no charge for the submission or assessment of applications.
- 18 Should any desired tree work be identified, it is recommended that advice is obtained from a qualified tree surgeon or tree consultant with regard to any work that may be deemed necessary. In relation to T1 red oak, it appears that the tree may have been managed in the past through crown reduction. The height and spread of the tree may have been restricted through this type of management and the tree may be older than it appears as the annual growth rings will be tighter. A qualified tree surgeon or tree consultant can advise on suitable methods of managing the tree going forward and the Local Planning Authority will assess any application for tree works on its individual merits.
- 19 Issue 5 refers to nuisance and states that the tree may be causing nuisance to residents of the properties surrounding the tree. Whilst the tree is located within a rear garden, part of the land surrounding the tree is currently being used as a car park and not private garden space. The objection refers to perceived nuisance caused to the residents of properties on Paddington Grove, but it should be noted that no comments, representations or objections have been submitted by residents.
- 20 It appears that the perceived concerns regarding falling debris and light have not come from residents but appear to be stated as possible concerns that might arise and could be applied to almost any tree within an urban environment. These concerns are therefore unfounded and lack support from the local residents concerned. Falling leaf debris, such as autumn leaves, is simply part of the natural lifecycle of the tree and will not limit the imposition of a tree preservation order.
- 21 Likewise, perceived concerns regarding light will not limit a tree from being made the subject of a tree preservation order but may be included as a reason for specific tree work operations (such as crown thinning) applied for under a TPO tree works application. In the case of T1 red oak, the tree is located on the southwest side of the dwellings on Paddington Grove and whilst it may limit a degree of late afternoon sun, it cannot be argued that the tree is adversely affecting the property owner's reasonable enjoyment of their property. In an urban environment such as this, it is very rare for any property to enjoy unobstructed sunshine throughout the course of the day.
- 22 Issue 6 refers to options for future management of the tree, much of which has already been discussed in relation to issue 4. As mentioned, recommendations relating to the future management of the tree can be obtained from a qualified tree surgeon or tree consultant. Any desired work to protected trees will require local planning authority consent by means of a TPO tree works application. Contrary to the assertion that such efforts may place a burden on the property owner, it is not an unreasonable requirement. Advice and guidance from a tree surgeon or tree consultant is necessary regardless of whether a tree is

protected or not and trees should be managed effectively to ensure their continued health and longevity in line with the relevant British Standard for tree work (BS 3998:2010 Tree Work – Recommendations). The TPO tree works application process is free of charge as mentioned and the majority of applications are submitted by tree surgeons or tree consultants on behalf of a property owner, acting as their agent.

Conclusion

- 23 The reason for referring the confirmation of Tree Preservation Order 1210/2019, Land at land on the southwest side of 8 Paddington Grove, Bournemouth to the Planning Committee is due to an unresolved objection to the order.
- 24 The tree provides very good amenity value which will only increase over time and is worthy of a tree preservation order. Comments made in relation to development aspirations and any current planning application in relation to land where the tree is located are beyond the scope of this report and have no bearing on the tree preservation order. The issues concerning any perceived nuisance and future management of the tree can be considered under a TPO tree works application. There is no cost associated with the submission or assessment of TPO tree works applications.

Recommendation

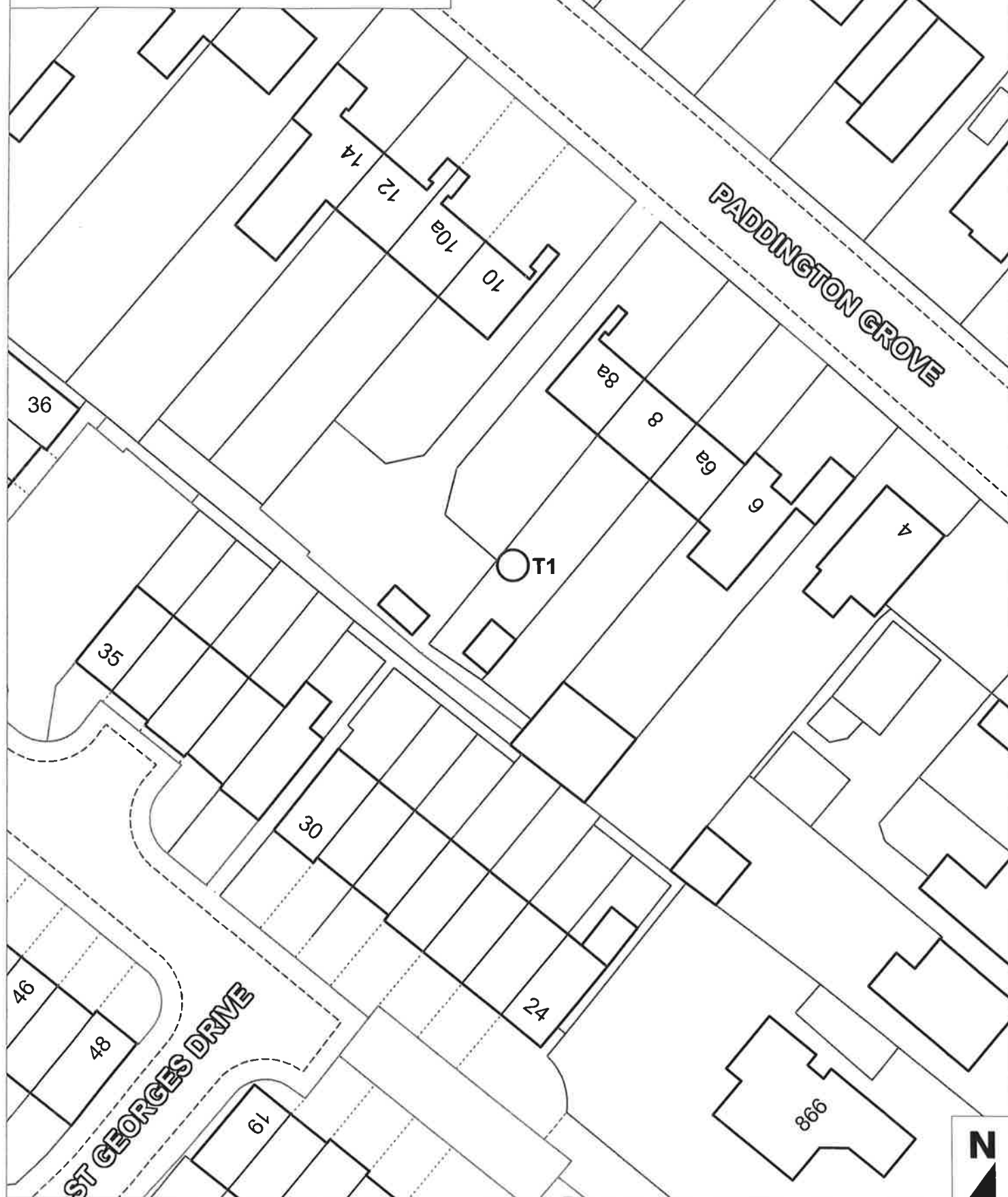
- 25 To confirm Tree Preservation Order 1210/2019, Land at land on the southwest side of 8 Paddington Grove, Bournemouth as made.

Background Documents:

All objections and comments received have been placed on TPO file which is available to view at the planning office on request.

Tree Preservation Order 1210/2019

**Land at land on the southwest side
of 8 Paddington Grove, Bournemouth**



Scale 1:500

Approximate only, not to be relied on for accurate measurements.

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