

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY
BOARD

PLANNING, REGENERATION & CULTURE

REPORT TO COMMITTEE
27TH AUGUST 2015

Report of the Director of Planning, Regeneration and Culture

ITEM NO. SUBJECT

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Proposed Tree Preservation Order No 1 2015 – at Church View,
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Item 1

Proposed Tree Preservation Order No 1 2015 – at Church View, 19 High Street, Whiston, Rotherham, S60 4HJ



RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 1 (2015) with regard to various Norway Maple, Sycamore, Whitebeam and London Plane trees subject of this report, situated within the curtilage of Church View, 19 High Street, Whiston, Rotherham, S60 4HJ under Section 198 and 201 of the Town and Country Planning Act 1990.

Background

An original order was made in regard to this site on 3 September 2010 (TPO No. 14 2010) following concerns from the Council's Arboriculturist in response to a section 211 Notice to prune 3 trees within Whiston Conservation Area at the property.

The Order was confirmed by Members with modification on 3 February 2011. A final confirmed order was then sent to various interested parties dated 10 February 2011.

The Council in November 2014 received an application to carry out tree works to the protected trees (ref: RB2014/1569). The application was refused as the Council'

Tree Service Manager was not satisfied with the details submitted and the level of pruning proposed was considered excessive. On the decision notice, along with details of the refusal an informative was attached detailed the level of pruning considered appropriate and the applicant was informed that should an amended application be submitted with the level of pruning stated it would be likely to gain support.

After the issuing of the decision notice, the applicant began appeal proceedings against the decision. During this time the applicant pointed out that they considered the original TPO was invalid due to an administrative error, whereby the incorrect year had been shown on the confirmation papers. Instead of 10 February 2011, it read 10 February 2010.

On receiving this information, the Council acknowledged the error. Under section 333(7) of the Town and Country Planning Act 1990, the Council have powers to vary or revoke any such order and a report was put to Members to formally revoke the Order TPO No. 14 2010 on 25 June 2015.

It should be noted that Members agreed to the revocation of the 2010 Order at the meeting.

In the interim and to ensure the trees are safeguarded at the same level as intended in 2010 a new TPO (ref. No. 1 2015) was placed on the site on 20 April 2015 and all interested parties notified and objections were subsequently received.

Objections

The objection to the making of this order was received from Mrs Monique Alexander-Witham (owner of the site) and Mr W L Anderson (Arboriculturist employed by the owner), dated 27 April and 12 May 2015. In addition a further letter was submitted dated 25 July 2015, and received on 30 July 2015, clarifying the recent objections. This letter was received outside of the 28 day time period for representations to be made regarding the Order and, as a result, not all the issue raised have been fully taken into account as part of this response.

The main parts of the objections appear to be as follows:

- Trees are poor specimens
- TPO plan inaccurate / unclear
- Amenity assessment incorrect
- Trees tower over dwelling and need managing
- Exclusion of 2 Norway Maples between T1 and T2

Councils Tree Service Managers Report

The Trees Service have considered the objections raised and the Tree Service Manager's report in response states that:

Trees are poor specimens

The trees include species of Norway Maple, Sycamore, Whitebeam, London Plane. They vary in age between maturing to mature and in condition between reasonable to good. Due to the close proximity of many of the trees they have developed unbalanced branch frameworks and are likely to be dependent on each other for shelter, particularly during strong windy conditions. However, this is not unusual where trees are closely spaced and form a group and does not mean they are unsafe and prevent them from being protected. It is accepted that individually, they are not fine specimens. Nevertheless, collectively they form a significant and attractive landscape feature and their removal or severe and inexpertly pruned will result in a significant reduction of amenity and be harmful to the leafy character of Whiston Conservation Area. For this reason it is felt they should be protected to help control and monitor any work to them in the future.

TPO plan inaccurate / unclear

Due to an administration error the site location plan included in the Order was the same plan that formed part of original Tree Preservation Order on the land that was recently revoked at the Planning Board meeting on 25 June 2015. The new plan and description of the trees in the first schedule of the Order have been revised to exclude 4 trees whose condition has declined, 3 of which have been removed since the original Order was made in 2010. In addition, the new details resolve an error between the original first schedule and plan that became evident in the appeal to the Secretary of State against the refusal to prune the trees RMBC Planning Ref No RB2014/1569. A copy of the correct plan has been provided to the objector to clarify which trees the new Order is intended to protect on the site. For additional clarity an amended plan indicating the position of a Norway Maple that has been excluded from the Order, due to a serious split in its main stem, and a Sorbus whose condition has declined since the original order was made has been provided.

Amenity assessment incorrect

The objector feels a score for the amenity assessment should be 2 instead of 3 to take into account the poor form of the trees in accordance with the TEMPO protocol. If the score is reduced by 1 point the overall TEMPO score would be 11 indicating the trees do not merit a Tree Preservation Order.

Where there are a moderate number of trees on a site, as in this case, a general evaluation is carried out to help reduce officer time if each tree is evaluated individually. The trees are reported as being in fair to good condition on the amenity assessment. However, it is accepted the majority of the trees are in fair condition with unbalanced branch frameworks due to their close proximity to each other. Therefore, a reduced score of 2 would be in accordance with the TEMPO guidance notes in this instance. However, the trees may merit additional points in part 1d – Other factors of the TEMPO evaluation, as most of the Norway Maples are group members important for their cohesion. An additional point could also have been included in the expediency assessment as there is a foreseeable threat to the future prospects of the trees following submission of the original unclear Section 211 Notification to prune your Ref RB2010/0966, the inexpert pruning that was carried out following consent to RB2011/1444 and the recent unsupported application, RB2014/1569, to significantly reduce the size of T1 to T4. In addition to the above, the TEMPO System is a record that a systematic assessment of the trees amenity

value has been undertaken. It is not prescriptive, except in relation to 'zero' scores, and merely recommends a course of action and does not prevent trees being included in an Order if they do not achieve the required number of points for a Tree Preservation Order to be 'defensible' or indeed, not protecting trees that clearly meet the criteria for other reasons e.g. trees not at risk as they are under good arboricultural or silvicultural management.

Trees tower over the dwelling and need managing

T1 to T4 and the 10 Norway Maples positioned on top of the steep bank along the northern boundary of the site are a significant skyline feature within Whiston Conservation area. Part of the branch framework of T4 overhangs the dwelling and the conservatory. In principle there are no objections to the trees being carefully pruned to help alleviate some of the current difficulties associated with them including branch encroachment and shading of the dwelling and adjacent properties on Birchall Avenue. However, the full extent of any pruning has yet to be agreed. If the Order is confirmed, hopefully, a suitable level of pruning can be agreed with the owner that will not adversely affect the natural appearance of the trees and their future prospects.

Exclusion of 2 Norway Maples between T1 and T2

The reasons why these 2 trees are not included in the Order is due to an objection by the resident at 50 Birchall Avenue to their protection within the original Order and a subsequent successful application to fell them submitted by the owner, Ref RB2011/1443. At that time it was reported their removal would not have a significant impact on local amenity.

Conclusions

Collectively, the trees are a significant landscape feature and provide valuable and important amenity within Whiston Conservation Area and their retention will help to preserve the character of the Conservation Area. In addition, the Order will help to control and monitor any work to them in the future by the inclusion of standard tree work planning conditions as part of any consent. This should help ensure any approved pruning is carried out in accordance with BS 3998 Tree Work – Recommendations and avoid poor examples of tree pruning within the local conservation area. A minor amendment is recommended to the site location plan for clarification regarding the existing trees not included in the Order to help overcome the objection on this matter.

It is considered that the main objections to the Order have been carefully considered and the Order has been made in accordance with Government guidelines. In this instance, it is recommended the Order is confirmed with a minor modification to the site location plan.