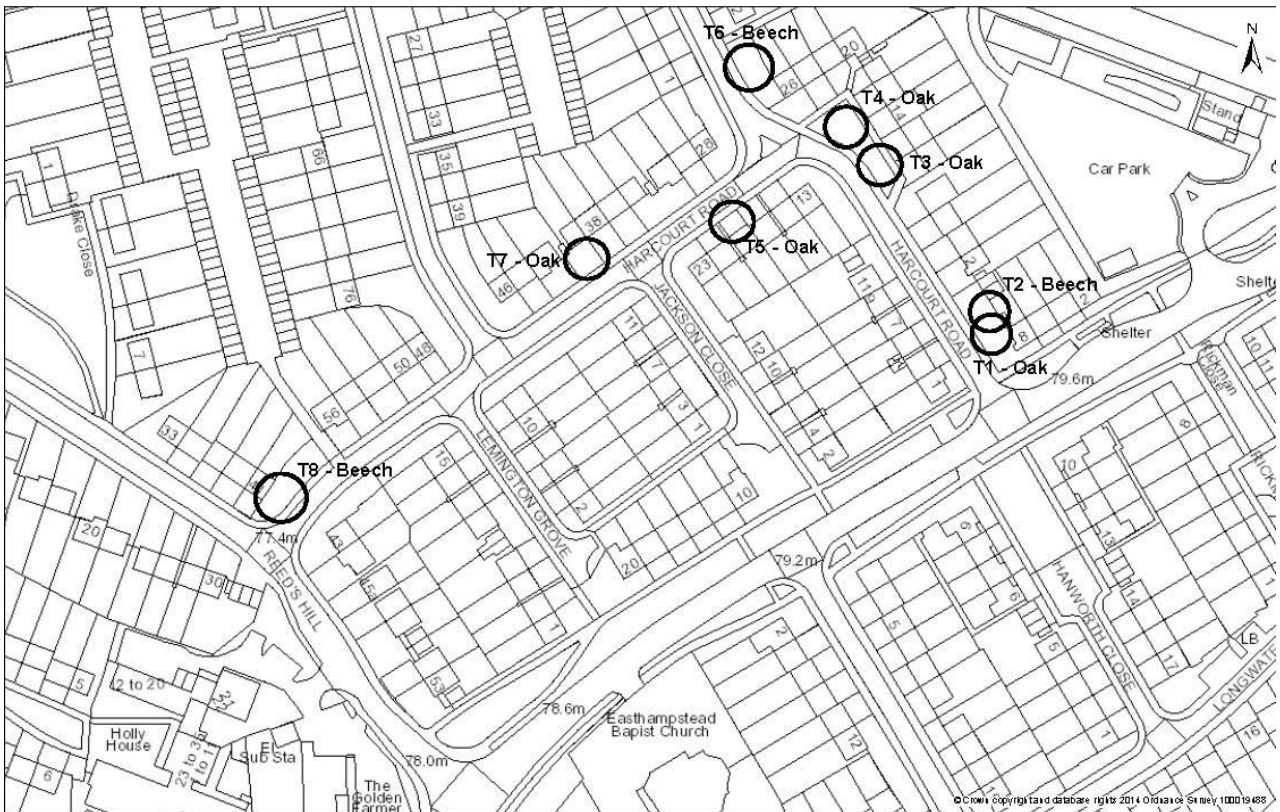


**PLANNING COMMITTEE**  
**18<sup>th</sup>. June 2015**

**CONFIRMATION OF TREE PRESERVATION ORDER**  
**Land at 8 South Hill Road and 12, 14, 19, 26, 40 Harcourt Road and 41 Reeds**  
**Hill Road, Bracknell - 2014**  
**(Director of Environment, Culture & Communities)**



## 1. PURPOSE OF DECISION

- 1.1 Under section 198 of the Town and Country Planning Act 1990, the Council has made a Tree Preservation Order (TPO) to retain and protect trees that are assessed to be of amenity value and were judged to be at expedient risk of removal or other adverse affect. Objections have been raised and they are the subject of this Committee report.

## 2. RECOMMENDATION

- 2.1. That the Committee approves the Confirmation of this Tree Preservation Order

## 3. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

### 3.1. Borough Solicitor

3.1.1. Guidance on Tree Preservation Orders and their making and confirmation has been provided in a Communities and Local Government (CLG) booklet titled "Tree Preservation Orders: A Guide to the Law and Practice". That guidance indicates that in the Secretary of State's view TPO's should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and it's enjoyment by the public. Local Planning Authorities should be able to show that a reasonable degree of public benefit would accrue before TPO's are made or confirmed.

3.1.2. The guidance advises that three factors in particular are of relevance, namely:-

- Visibility - the extent to which the tree can be seen by the public
- Individual impact -The Local Planning Authority should assess a tree's particular importance by reference to it's size and form, it's future potential as an amenity taking into account any special factors
- Wider impact - the significance of the tree in it's local surrounding should be assessed

### 3.2. Borough Treasurer

3.2.1. The Borough Treasurer has noted the report. There are no significant financial implications arising from the recommendation in this report.

### 3.3. Equalities Impact Assessment

3.3.1. Not applicable

### 3.4. Strategic Risk Management Issues

3.4.1. Not applicable

### 3.5. Other Officers

3.5.1. Head of Planning has noted the report.

## 4. BACKGROUND

- 4.1. Existing trees, that is individuals, groups, areas and woodlands were viewed and assessed for their amenity impact using a system to evaluate the suitability of trees for a TPO. This system is based on factors that assess: -

- Their health & condition
  - Their remaining longevity
  - Their relative public visibility
  - Specialist considerations such as 'veteran' status, historical interest etc.
  - The known (or perceived) 'threat' to their health & condition or existence
  - The impact of the trees on the landscape
  - Special factors such as proximity and orientation to the nearest habitable structure.
- 4.2. These factors follow criteria based on government guidance and 'best-practice' and the assessment system follows policy developed by the Tree Policy Review Group (2007). The assessment gives a value that informs the Tree Service in considering whether or not to make a TPO.
- 4.3. Once the new TPO is served, affected residents have 28 days in which to make representation to the Council. Some representations are letters of support whilst others request clarification, but more commonly they are objections to the making of the Order. Objections can be made on any grounds; if objections are duly made, the Local Planning Authority cannot confirm the TPO unless those objections have first been considered.

## **5. DETAILS OF RESIDENTS' OBJECTIONS**

- 5.1. One objection from the owner/resident of 40 Harcourt Road.
- 5.2. The objection is in respect of Oak T7 which is in the front garden of No. 40 Harcourt Road.
- 5.3. The issues raised as part of the objection to this particular tree relate to: -
- Concerns about public safety and the risk to persons by falling branches (particularly in adverse weather)
  - Concerns about the potential for the tree to cause subsidence damage to house foundations.

## **6. TREE SERVICE PROCEDURE**

- 6.1. In receiving an objection to a new TPO, the Tree Service acknowledges any communications and provides advice and guidance in respect of the resident's right to make an application to manage their tree by providing an application form and guidance on how to source Government advice on TPO procedures. The objectors correspondence is reviewed in respect of Council policies and to address the issues raised, a report is compiled and subsequently brought before Committee.
- 6.2. The Council's response to the objections include: -
- The amenity assessment undertaken on the trees has been developed by the Council and is based on Central Government Guidelines, industry 'best practice' and the Council's own policy.
  - The tree is visible from public vantage points and there are few amenity trees of the same quality and impact in the immediate landscape.
  - The Council's amenity assessment is not a full & detailed tree-survey; and although now protected, this does not remove any legal responsibility from the tree-owner to ensure their safe condition. It is therefore strongly advised that if the objector/tree-owner considers the tree/s to be in any way dangerous, hazardous or unsafe, that they seek independent professional advice.

- Any concerns about the condition of the tree and incidents of dropping debris can be addressed by routine inspection and maintenance pruning to ensure that safety and nuisance are prevented.
- In respect of alleged damage to property by tree-roots, no evidence was presented in respect of root damage to the property. If the objector believes they are experiencing problems with tree-roots damaging any structures on their property, they must provide supporting evidence in order for the Tree Service to re-assess the situation taking in to account that information.

## **7. SUPPORTING PLANNING INFORMATION**

7.1. The Planning Authority carried-out an appraisal of the trees within the landscape and subsequently requested that the TPO be served.

## **8. CONCLUSION**

8.1. The Council has followed due legislative process, procedure and policy and has stated the reasons for protecting the trees. The various objections and specific issues raised by correspondents have been addressed within this report.

End of Report

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