



REPORT OF:	Alastair Barnes - Arboricultural Officer
TO:	Planning Committee
WARD:	St. Pauls
OBJECTION TO:	Surrey Heath Borough Council Tree Preservation Order (TPO) No. 03/21
TITLE:	Land of 31 & 33 Church Hill, Camberley.
RECOMMENDATION:	Confirm

1. INTRODUCTION

- 1.1 A TPO has been served to protect an Oak tree at 33 Church Hill, Camberley
- 1.2 As objections to the order have been received the decision whether to confirm the order is brought before Committee.

2. RECOMMENDATION

- 2.1 The Tree Preservation Order is confirmed with modification.
- 2.2 The proposed modification is to: Amend the title to 'Land of 33 Church Hill Camberley'

3. BACKGROUND

- 3.1 Tree Preservation Order (TPO) 03/21 was served on 24th March 2021 to protect A single Oak tree within open ground at the front of No. 33 (T1). For a copy of the TPO and the location please see Annex 1.
- 3.2 The reason for the TPO was that the Local authority were made aware that the tree was likely to be subject to a significant level pruning that could threaten its long-term stability and health which could lead to the early loss or decline of a prominent tree in the landscape and adversely reduce the amenity it provides.
- 3.3 The Oak tree is a prominent feature of the street scene and compliments the sylvan nature of the area, the tree is visible from several view points along Church Hill and from the adjacent public space of St Pauls Church along with parts of Crawley Ridge. Please see Annex 2 for photographs of the tree.

4. POWER TO MAKE A TPO – RELEVANT LEGISLATION

- 4.1 The law on Tree Preservation Orders is contained in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 4.2 Under the Town and Country Planning Act (1990) local authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the

preservation of trees or woodland in their area. The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, a TPO should be used to protect selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public. Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before the TPO is made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath.

- 4.3 Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of the trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO.

Expedience

- 4.4 Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of the trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO.
- 4.5 If there is a risk of trees being cut down or pruned in ways which would have a significant impact on their contribution to amenity it may be expedient to serve a Tree Preservation Order. In some cases, the Local Planning Authority may believe trees to be at risk generally from development pressure and therefore consider it expedient to protect trees without known, immediate threat. Where trees are clearly in good arboricultural management it may not be considered appropriate or necessary to serve a TPO.

Amenity

- 4.6 While amenity is not defined in the Town and Country Planning Act, government guidance suggests that trees suitable for TPO should be visible to the public, at the time of making the TPO or in future. Trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore. Consideration should also be given to environmental benefits and historic/commemorative significance.

Suitability

- 4.7 The impact of trees on their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, the presence of other trees in the vicinity and the significance of any detrimental impact trees may have on their immediate surroundings.

5. REPRESENTATIONS

- 5.1 A letter of objection has been received from the neighbour at no.29 raising the following concerns:
- The title of the TPO references no. 31 but is not part of the property.
 - The resident is concerned about the overall health and safety of the tree.

- There is concern that the resident at no. 33 has removed branches facing his property and that this could lead to the tree becoming dangerous.

6. OFFICER'S RESPONSE TO REPRESENTATIONS

- 6.1 A concern was raised that the TPO references no. 31, which is understandable and is an administrative error when it was served, as the tree straddles a shared boundary with no. 29 and no. 33. Should the TPO be confirmed then an administrative change will be made to remove the reference to no. 31 within the TPO. This administrative error wouldn't render the order invalid.

There is a concern that the tree could be unsafe and that no 33. has carried out tree surgery on the common boundary

- 6.2 While no tree can ever be 100% safe, however, if no obvious defects are present, then it is not reasonably foreseeable that a tree will fail, and the owner of a tree(s) has a duty of care to the public at large and his neighbours to act in a prudent and responsible fashion. In furtherance of this duty an owner of trees should carry out regular inspections, at least annually, in order to detect any significant change in health or to identify the presence of any weakness or decay, which could lead to instability.
- 6.3 Should s/he not be competent for this, or be in any doubt, s/he should employ a specialist consultant or suitably qualified arborist to inspect the tree on their behalf. At the time of visit, it was recommended both to the objector and the resident at no.33 to have the tree inspected for their own piece of mind. No significant defects were identified at the time of the visit that would render the tree unworthy of further protection.

Concerns were highlighted about removal of branches towards the property of no 33

- 6.4 Branch lifting work has removed some lateral branching over the boundary of no.29. This work would have an impact on the long-term condition of the tree as any pruning is a form of wounding. However, this work was carried out prior to the serving of the order and it would not diminish the amenity that the tree provides to the local area or render the tree in such a condition that further protection was no longer needed.

7. OPTIONS

- 7.1 Members may:

- Confirm the Tree Preservation Order.
- Decide not to confirm the Tree Preservation Order.
- Confirm the Tree Preservation Order with modification

8. RECOMMENDATION

- 8.1 Members are respectfully recommended to confirm the TPO with modification.

9. IMPLICATIONS

- 9.1 The confirmation of the TPO has no additional financial implications for Surrey Heath Borough Council, although there are resource implications in terms of officer workload for the processing of tree works applications in the future.