

**TREE COMMENTS: St Margarets and The Ferns****Application No: 20/1070****Date: 29/06/21****Terminology:**

Tree preservation order (TPO), root protection radius (RPR), root protection area (RPA), tree protection fencing (TPF), ground protection (GP), construction exclusion zone (CEZ), arboricultural impact assessment (AIA), tree constraints plan (TCP), arboricultural method statement (AMS), tree protection plan (TPP). National Joint Utilities Group (NJUG). British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations (BS5837:2012). Cellular Confinement System (CCS).

The character of the area is defined as settled and wooded sandy farmland, this is characterised as containing extensive areas of both broadleaved and coniferous woodland and low-density areas of dwellings.

The proposed site appears to be over developed for the space available considering the current arboricultural constraints. The trees within and around the properties are protected by a TPO, the trees provide significant amenity and are in keeping with the character of the area, they also provide screening along the entrance boundary. The rear trees are significant in that they provide a sylvan back drop and help to create the character of the area.

1. A significant number of trees are proposed for removal. Although some are poor specimens individually, I consider them all to be important because of the contribution they make as a group to the local sylvan environment. Their loss would diminish the positive contribution the trees on the site make to the verdant and mature local landscape.
2. The application proposes to replant with a good number of new trees, however the removal of such a significant quantity of mature trees in contrast to the new plantings can hardly be offset by the proposal, The number of trees lost to this development could not be adequately replaced through such a measure nor does the proposal provide a biodiversity net gain for the site. The new trees assuming they made it to maturity would take many years to provide the same benefits as the current trees in relation to the environment, carbon sequestration and wildlife.

The majority of trees proposed are in the rear gardens of the new houses and would only be protected by planning condition for a short period of time and due to the small size of the gardens it is likely that many of the trees would be removed prematurely to allow adequate space as the trees mature and create shade, debris and a reduced feel to the garden area, they would also be growing under the canopy of existing offsite trees which would compromise there overall quality in future years.

3. The proposal is for individual properties and blocks of flats, considering the sylvan nature of the area and the proposed landscaping should permission be forthcoming there is very little if any space to plant trees at the front of the individual dwellings and any trees proposed will soon outgrow the small space available and would be removed diminishing the tree coverage of the site, there should be significant space at the front of the properties to allow for tree planting to help break up the built form of the proposal.
4. Following development there is likely to be pressure on the Council with further tree work applications should the current proposal be granted, which could include felling or heavy pruning. Given the proximity of retained trees to the apartment block and car parks. The

central parking area would be subject to coverage by leaf litter and other tree debris, which would also be likely to end up on the building's roof and in its gutters leading to applications to adversely prune or remove trees. The car park areas should be removed from outside the RPA of retained trees.

5. Given the stature of the trees on site including many of those proposed for removal, replacement planting would take many years to make an equivalent contribution to local amenity. Consequently, there would be harm to the character and appearance of the local environment for many years. I do not therefore consider that policy DM9 could be complied with in any meaningful way.
6. The new access road goes through the RPA of retained trees but no information as to how this will be constructed has been provided, its likely to be of a significant depth to accommodate the expected vehicular traffic and is likely to lead to significant root severance and the long-term retention or health of trees T87, 88, 89, 90 and 91 cannot be guaranteed and these are trees of significant amenity within the site and central to the current proposal.
7. The soft ground to the east of the site where the current access road for St Margaret's is currently, is shown to be returned to soft ground after development, this is currently just a gravel over the soil, it is not load bearing and any significant vehicles using this area for deliveries its likely to compact the soil underneath and so a ground protection system that can accommodate expected loads will need to be used and specific details provided within the AMS.
8. The current proposals have not considered the offsite trees outside the site boundaries and will need to be added to any future submission, this should show the RPA but also the Crown spread as this is likely to have an impact on the rear gardens of the properties at the northern end of the site.

BS5837 Trees in Relation to Design demolition and construction acknowledges the importance of giving full consideration to the impact of the spatial relationship between development and trees. 5.3 of BS 5837 recommends a realistic assessment of the probable impact of any proposed development on the trees and vice versa should consider the characteristics and condition of the trees with due allowance and space for their future growth and maintenance requirements. To maximize the probability of successful tree retention structures should therefore be designed and located with due consideration for a tree's ultimate growth, so as to reduce the need for frequent remedial pruning. New structures should be sited allowing adequate space for a tree's natural development, with due consideration given the predicted height and canopy spread.

The shade constraints of the site have not been fully considered and no shade analysis has been provided, from the documents in the current format there would be significant shade and proximity issues between the trees and the new residents leading to pressures to adversely prune or remove trees over fears of safety and branch failure as well as lack of light to habitable rooms and amenity spaces such as gardens, any proposal should seek to find a medium between the demands of the resident and the constraints of the site, at the moment this does not seem possible and would add further pressure to remove trees. Because of the orientation of the properties the dwellings themselves would in part shade the rear garden but the belief would be that it is the height and proximity of the trees.

Whilst protection afforded by the TPO would enable the Council to control any future tree work, it would be more difficult for it to refuse an application to cut-back or even allow the removal of trees that was threatening the safety of the occupiers or having a harmful effect on their enjoyment of the

property. There can be no certainty that such pressures could be reasonably resisted. Trees protected by a TPO merit special care, and these trees are no exception. If their appearance were to be stunted by pruning, their amenity value would be diminished and (and the appearance of surrounding area would suffer as a result) this would unacceptably harm the sylvan character of the area. The trees on the northern boundary are 20+m in height and will cause significant concern for future occupiers especially during periods of inclement weather.

Due to the number of trees proposed for removal which might ordinarily act as a buffer for strong winds there would be an increased likelihood of failure of these offsite trees which are poorly adapted to deal with the likely wind loading following exposure.

9. The access road out of the site at 'The Ferns' will result in the loss of at least one Mature Oak tree at the frontage which helps to screen the front of the development and maintain the sylvan nature of the site. The proposal should consider utilizing the existing driveways of the properties as an in/out driveway, this would negate the need to increase the overall width of these roads.
- 5.3.1 BS 5837. States that the default position should be that any new structures (including surfacing) should be located outside the minimum root protection area of trees to be retained. Due allowance and space should also be given for the future growth and maintenance of existing trees. If structures (including hard surfacing) are proposed within the root protection area of retained trees it will require an overriding justification. (5.3.1 of BS5837). The project arboriculturist will also need to demonstrate that the trees can remain viable, the area lost to encroachment can be compensated for elsewhere contiguous with the root protection area (RPA) and mitigation measures to improve the soil environment of the tree can be implemented.

Considering the location of trees and the proposed site layout it will not be possible to provide compensation elsewhere contiguous within the RPA's and provide mitigation measures to improve the soil environment for these trees. The project arboriculturist has not demonstrated the trees can remain viable or that there is overriding justification for the development within the minimum RPA.

Should there be any hard standing/foundations/driveway within the RPA of retained trees it will need to conform to BS5837 and be of a cellular confinement system sited on existing ground levels with specific cross-sectional diagrams and surface dressing provided up front. Ideally all development should be outside the RPA of retained trees unless there is an overriding justification. A CCS should sit above existing ground levels and avoid any excavations into the existing soil profile, this in itself will create a ramp that will need to be integrated into wider existing surfaces.

10. The tree report does not contain any tree survey data other than site layout, so the applicants have not provided enough information to justify the removal of the so many trees.
11. The site plans will need to include areas for material storage, including silos, containers, contractor parking and any locations of cranes (including boom size).
12. The applicants will need to provide a topographical plan showing the proposed and current overlaid onto it and any proposed changes in levels throughout the site, at this time no such plan has been provided.
13. Because of the size and scale of the development any proposed AMS's for all aspects of the development will need to be provided upfront to fully assess likely impacts prior to any approval as the tree constraints are considered significant.



Details of the alignment of existing and proposed overhead and underground utility services including drainage and soakaways and their associated structures (e.g. manhole covers, meters, access points, vertical supports) have not been provided. With the current confines of the site, it is unlikely that this can be achieved without further impact on trees.

**I am therefore unable to assess the impact utilities/service runs would have upon on/off-site trees.**

7.7.1 of BS5837: where underground apparatus is to pass within the RPA, detailed plans showing the proposed routing should be drawn up and, in such cases, trenchless insertion methods should be used. It should, however, be established that these methods of installation are possible on this site before they are relied upon. As no plans have been provided it is impossible to tell what the likely impacts or feasibility of the installation of utilities will be.

14. The garage next to P13 will need to be pulled forward outside the RPA of T105.

With all of the above in mind, I consider the site to be overly cramped and restricted when considering the number of trees to be removed with no suitable justification provided.

The juxtaposition between the protected trees and the proposed dwellings is unsatisfactory and would not meet the NPPF's core planning principle that development should always seek to secure a good stand of amenity for future occupants of land and buildings.

Section 175 (c) of the revised NNPPF states 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons e.g. infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat and a suitable compensation strategy exists. **The application site and planned development would not meet these criteria.**

- The current proposal would not meet with the SHBC local plan design policy ref: Core Strategy & Development Management Policies 2011 – 2028. Policy DM9 at the below points.
- (ii) as it does not respect or enhance the local character or the environment.
- (iv) it fails to protect trees worthy of retention or provide high quality hard and soft landscaping.

Individually and collectively these trees are an important landscape feature within the local landscape and contribute positively to the character and appearance of the area.

There are significant constraints on site highlighted above which will detrimentally impact on the overall character and amenity and landscape value of the area which little to no tangible benefit, there should be a significant reduction in the number of proposed dwellings and the constraints posed during development and post development will need serious consideration prior to any future submission.

So, the scheme fails to adequately secure the protection of important protected trees which contribute positively to the character and appearance of the area. I therefore recommend refusal of the application under policies DM9.

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