

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE **DATE:** 7th December 2016

CONTACT OFFICER: LORNA BROWN, SENIOR MONITORING OFFICER
(For all Enquiries) (01753) 875829

WARD(S): Haymill

PART 1

FOR DECISION

**TREE PRESERVATION ORDER NO 03 OF 2016 IN RESPECT OF
8 Averil Court Taplow, Maidenhead, Berkshire, SL6 0LQ**

1.0 Purpose of Report

1.1 To seek confirmation of Tree Preservation Order No. 03 of 2016 served on 1st August 2016.

2.0 Recommendation(s)/Proposed Action

The Committee is requested to resolve that Tree Preservation Order No 3 of 2016 should be confirmed.

3.0 The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

3.1 Slough Joint Wellbeing Strategy Priorities

Protecting a tree with amenity value will have an impact upon the following SJWS priorities:

- *Regeneration and Environment*
- *Housing*

3.2 Five Year Plan Outcomes

Protecting the tree will not directly relate to any of the outcomes in the Five Year Plan.

4.0 Other Implications

(a) Financial

The proposed work can be carried out within existing budgets and so there are no financial implications of the proposed action.

(b) Risk Management

It is considered that the risks can be managed as follows:

<i>Recommendation</i>	<i>Risk/Threat/Opportunity</i>	<i>Mitigation(s)</i>
That the Tree Protection Order is confirmed.	An important mature tree, which contributes to the local amenity will be lost as part of the redevelopment of the site.	Agree the recommendations.

(c) Human Rights Act and Other Legal Implications (*compulsory section to be included in **all** reports*)

There are no Human Rights Act Implications as a result of this report.

(d) Equalities Impact Assessment

There are no equality impact issues.

5.0 **Supporting Information**

5.1 On 01st August 2016a Tree Preservation Order (No.03 of 2016) was served on the following:

- The Owner, 8 Averil Court, Slough, SL6 0LQ
- The Occupier, 8 Averil Court, Slough, SL6 0LQ
- Mr R & Mrs A Goodwin, 8 Averil Court, Slough, SL6 0LQ
- The Owner, 7 Averil Court, Slough, SL6 0LQ
- The Occupier, 7 Averil Court, Slough, SL6 0LQ
- Mr S Mason & Ms K Davidson, 7 Averil Court, Slough, SL6 0LQ
- The Owner, 6 Clare Road, Slough, SL6 0LH
- The Occupier, 6 Clare Road, Slough, SL6 0LH
- Mr I Sewell, 6 Clare Road, Slough, SL6 0LH
- Nemo Personal Finance Ltd, Trafalgar House, 5 Fitzalan Place, Cardiff, CF24 0ED
- The Co-operative Bank PLC, Britannia House, Cheadle Road, Leek, Staffordshire, ST13 5RG
- HSBC Bank PLC, 40 Wakefield Road, Leeds, LS98 1ED
- The Mortgage Works (UK) PLC, Nationwide House, Pipers Way, Swindon, SN38 1NW

With documents described as:

- (1) letter;
- (2) Formal Notice
- (3) Tree Preservation Order 03of 2016; and

(4) Guidance

The reason given for making this Order was 'because the tree supplies amenity to the area at present. If the tree were to be removed its loss would be significantly detrimental to the amenity of the area.'

A site visit was carried out by our Tree Maintenance Officer, Julian Turpin and on his assessment a Tree Preservation Order was issued and served.

5.2 The Tree Preservation Order includes T1 - Oak

5.3 Objections were received from residents from 8no. addresses all of which were in Averil Close.

5.4 Each objector has had the points they raised responded to individually and a summary of the points raised is as below:-

- **The Council did not object to the tree being removed previously-** The Council correctly informed the owner that in the absence of any protection the owner can remove the tree. This does not mean the Council wants the tree to be removed.
- **The trees leaves appear to be diseased** – The tree has some foliage affected by Oak Leaf Powdery Mildew, this does not have a significant effect on a mature trees health and it is not unusual to find this effecting soft young growth.
- **The tree being subject to TPO prevents planning permission-** The planning authority is required to consider trees when assessing a planning application, and can protect trees of amenity if threatened, to prevent removal prior to determination of the application. However it is not always the case that every tree is retained on a development site. A TPO tree can be removed during the implementation of a consented planning permission, as the loss of the tree will have been considered during the applications assessment and either mitigated or considered to be of less importance than the benefits of the development. According the TPO will not necessarily prevent planning consent.
- **The tree has cause damage to the drive** – Many trees grow adjacent to drives and cause some disturbance, these can be prevented/limited by the use of appropriate surfacing to accommodate root growth.
- **The tree is in an inappropriate location in respect of the railway** - There are many trees growing at similar distances or closer to the rail tracks, some on land owned by the railway. Such trees are only removed/pruned if they have an affect on or threaten to the operation of the railway. This would not be the case with this tree as the tree does not exhibit any defects or problems that are likely to affect the railway.
- **Prior to its reduction the tree shed limbs-** Many trees shed limbs, such occurrences are often foreseeable and can be prevent by correct maintenance. Though permission will be needed to prune a tree subject to TPO, it would be normal to consent work that is require to prevent such an occurrence. Some limb

loss is unforeseeable but the likelihood of such and occurrence can be kept to an acceptable risk by the application of normal maintenance methods.

- **The tree will dominate the driveway area if allowed to grow-** It is seen as desirable to allow trees subject to TPO to achieve their full height and spread to supply the maximum amenity to the community. All application to undertake work to a protected tree are considered on their own merit, however applications to reduce a trees growth to lessen the affects on underlying land use are common and are often consented. The possibly of this occurring in the future would not in itself be a reason not to protect a tree.
- **As the tree grows it will shed twigs and will develop a poor form-** As a tree develops it is natural for it to develop deadwood, some is as a result less vigorous limbs being superseded by those in better positions. This progression will normally result in a good crown structure eventually developing. The formation of deadwood might be a little more rapid with a tree that has been severely topped and is vigorously growing, but it is natural occurrence in all trees to some degree and would not be a reason to exclude a tree from being suitable for TPO.
- **The tree affords limited amenity –** When considering if a tree suitable for TPO it is the present amenity of a tree and its potential amenity that is assessed. This tree is quite prominent in the street at this time, but in addition the tree has the potential to greatly improve in appearance and size in further years. In the case of this tree is this potential amenity which is of greatest consideration.
- **The tree sheds sap which can cause damage-** many trees shed sap from their foliage; this is a natural occurrence and does not indicate the tree is unhealthy. This is worse in some years and if bad it can be onerous. However this occurrence is intermittent and any harm/damage can be prevented by washing the sap off surfaces which would be considered normal property maintenance.
- **The tree has ivy on it which will affect it –** Ivy can be removed from a tree, such an operation would not be prevented by the tree being subject to TPO.
- **The tree could cause damage to foundations –** Any tree can cause damage to foundations in certain circumstances. However it is not the case that any tree in the proximity of any foundations will cause damage and many trees exist without any problem near foundations. There is no reason to assume this tree will cause damage to foundations and no evidence has been supplied to show damage has occurred.
- **The tree could cause damage to underground pipes –** Tree roots are rarely the cause of damage to drains but can enter broken drains and cause blockages as can the roots of any vegetation near a leaking drain. The solution to such an occurrence is to keep drains water tight

5.5 It is the considered the opinion of Julian Turpin the Tree Management Officer Slough Planning Department, that it is the responsibility of the Local Planning Authority to consider all requests for new Tree Preservation Orders with reference to the relevant guidelines. Please see below outcome of tree evaluation:

5.5.1 Condition & suitability for TPO - is suitable (fair/satisfactory)

5.5.2 Retention span (in years) & suitability for TPO - is very suitable ('40 -100 years').

- Relative public visibility & suitability for TPO - is suitable (Medium trees, or larger trees with limited view to the public)

6.0 **Conclusion**

In light of the above it is being recommended that Tree Preservation Order No. 03 of 2016 be Confirmed.

7.0 **Background Papers**

None other than those referred to in the report.

Slough Borough Council
Tree Preservation Order 3 of 2016
In respect of a tree at 8 Averil Court, Slough, SL6 0LQ

Town and Country Planning Act 1990

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Slough Borough Council, in exercise of the powers conferred on it by section 198 of the Town and Country Planning Act 1990 makes the following Order--

Citation

- 3 This Order may be cited as the Slough Borough Council Tree Preservation Order 3 of 2016.

Interpretation

- 2 (1) In this Order "the Authority" means Slough Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- (3) In this Order "Plan" means the map annexed hereto.

Effect

- 3 (1) Subject to article 4 below as may be appropriate, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the Authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

- 4 In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph

(a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated: 1 August 2016



THE COMMON SEAL of SLOUGH
BOROUGH COUNCIL was hereunto
affixed in the presence of:

Amardip Healy (Authorised Officer)
Head of Legal Services

CONFIRMATION OF ORDER

THIS ORDER WAS CONFIRMED WITHOUT MODIFICATION BY SLOUGH
BOROUGH COUNCIL ON2016

OR

THIS ORDER WAS CONFIRMED BY SLOUGH BOROUGH COUNCIL SUBJECT
TO MODIFICATIONS INDICATED BY
ON 2016

SIGNED ON BEHALF OF SLOUGH BOROUGH COUNCIL

.....
Amardip Healy (Authorised Officer)
Head of Legal Services

OR

A DECISION WAS MADE NOT TO CONFIRM THIS ORDER WAS TAKEN BY
SLOUGH BOROUGH COUNCIL ON2016

SIGNED ON BEHALF OF SLOUGH BOROUGH COUNCIL

.....
Amardip Healy (Authorised Officer)
Head of Legal Services

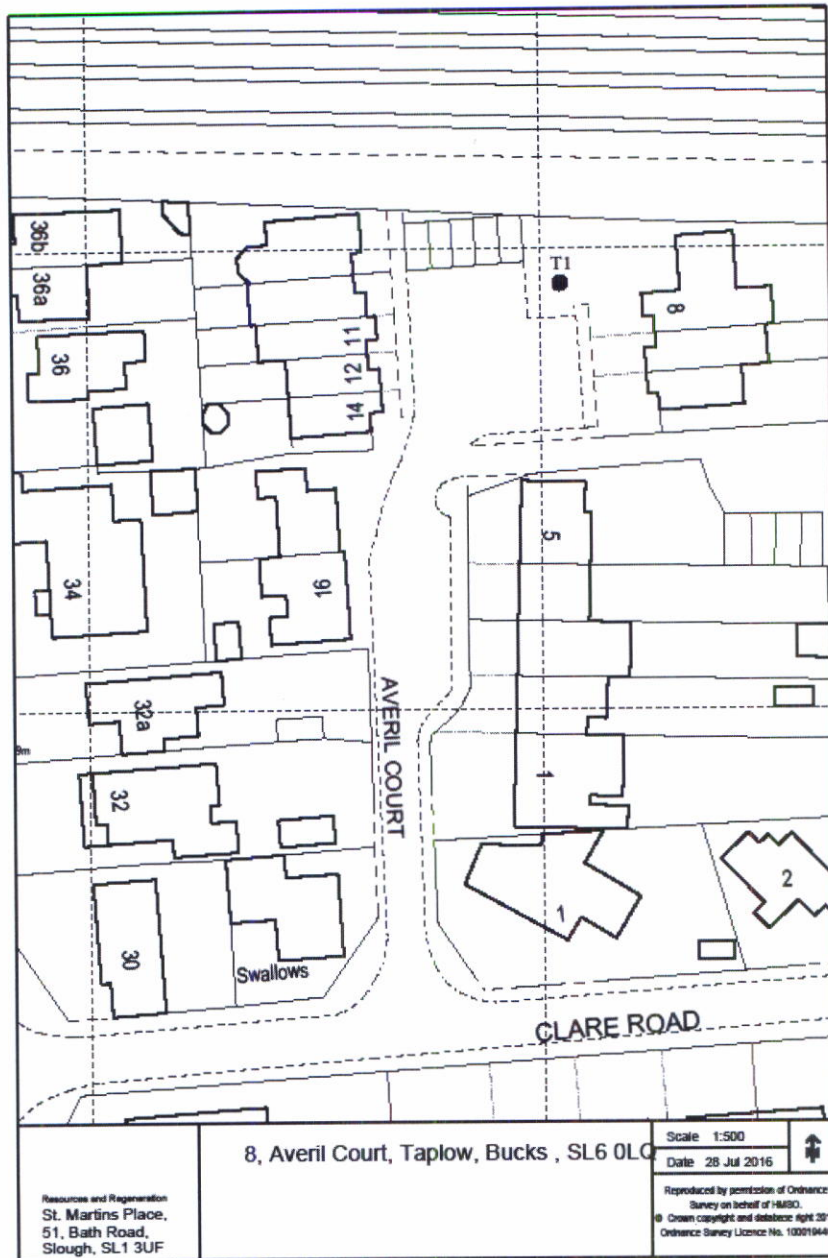
SCHEDULE SPECIFICATION OF TREES

Article 3 Trees specified individually

<i>Reference on Plan</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	See Plan

PLAN

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I this day served:

- The Owner, 8 Averil Court, Slough, SL6 0LQ
- The Occupier, 8 Averil Court, Slough, SL6 0LQ
- Mr R Goodwin & Mrs A Goodwin, 8 Averil Court, Slough, SL6 0LQ
- The Owner, 7 Averil Court, Slough, SL6 0LQ
- The Occupier, 7 Averil Court, Slough, SL6 0LQ
- Mr S Mason & Ms K Davidson, 7 Averil Court, Slough, SL6 0LQ
- The Owner, 6 Clare Road, Slough, SL6 0LH
- The Occupier, 6 Clare Road, Slough, SL6 0LH
- Mr I Sewell, 6 Clare Road, Slough, SL6 0LH

With documents described as:

- (1) Letter;
- (2) Formal Notice; and
- (3) Tree Preservation Order 3 of 2016.

In the manner described at *D13*

Below namely:-

- A. By sending it to him/her by pre-paid recorded delivery post addressed below being his/her last known place of abode.
- B. By delivering it to him/her personally at the address given below.**
- C. By leaving it for him/her at the address given below being the last known place of abode.
- D. By sending it to him/her by pre-paid special delivery post addressed as above being the registered office of his/her company or the last known address.
- E. Other - by sending it to him/her by first class post addressed as below being the last known place of abode.

Dated *01/08/16*

Signature ...

Name: *JAMES GUTHRIE*

Time: *17:40*

Position: *PLANNING ASSISTANT*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I this day placed an envelope addressed to:

- Nemo Personal Finance Limited, Trafalgar House, 5 Fitzalan Place, Cardiff, CF24 0ED
- The Co-Operative Bank PLC, Britannia House, Cheadle Road, Leek, Staffordshire, ST13 5RG
- HSBC Bank PLC, 40 Wakefield Road, Leeds, LS98 1ED
- The Mortgage Works (UK) PLC, Nationwide House, Pipers Way, Swindon, SN38 1NW

In the recorded delivery external post bag to be collected by the Postal Service

at the offices of Slough Borough Council (Contractor Arvato Offices), Airways House, 2 Langley Road, Slough

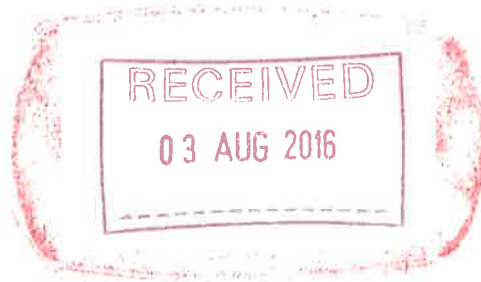
Dated: 2.8.16

Signature ..

Name: ANDREW SPRAIT

Time: 3.25 p.m.

Position: LOGISTICS OFFICER



Please complete and return to Louise Metson in Legal Services.