

Tree Preservation Order:	TPO/0008/24
Location:	Land at 6 Albert Road New Milton, BH25 6SP
Tree Officer:	Barry Rivers
Officer Recommendation:	To confirm the Tree Preservation Order
Reason for Referral to Committee:	Objections received.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. The public amenity value of the tree and its value to the wider community.
2. The expediency to protect this tree

2 TREE PRESERVATION ORDER HISTORY

The subject tree is situated to the rear of a residential garden of a domestic dwelling located on the eastern side of Albert Road, New Milton. The sycamore tree sits to the rear boundary of the garden.

The Order was made in response to a request from the owners of the property in which the tree is situated, to consider protecting the tree.

A Tree Preservation Order (TPO) was made on 17 October 2024. (Appendix 1.) Neighbours of the property have put in writing their objections to the Order.

3 THE TREE

The TPO covers a single individual mature sycamore tree. The tree is visible, in part, from several public vantage points including Albert Road, Vincent Road, Gore Road and Hobart Road.

4 POLICIES

Relevant Legislation

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

Local Plan Part One:

- Policy ENV4 – Landscape Character and Quality

5 PLANNING HISTORY

None

6 PARISH / TOWN COUNCIL COMMENTS

No comments submitted

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

None

9 REPRESENTATIONS RECEIVED

There are three letters of objection received to the Order from 7 & 9 Vincent Road and one with an unknown address. There is one letter in support of the Order from the tree owner. The representations are summarised below:

Representation received from the Tree Owner:

- We have an excellent example of a sycamore tree in the rear of our garden.
- Over the years it's been maintained by various professionals tree surgeons and all are extremely surprised it is not got a TPO.
- We need to protect these trees and the neighbours at the rear of our property keep raising the idea of cutting it down which would be a terrible loss but I terms of the tree and the wild life and eco system that live within it.
- Please do take the opportunity to look into this I'd like it to be protected as we continue to look after it.

Representations received in Objection to the Order:

- Co dominant trunks, this is a potential structural defect, and the tree may split and collapse.
- The objectors consider the tree is in a hazardous condition and is a danger to people and property.
- The overhanging branches are at risk of breaking and falling onto garden buildings in adjacent properties.
- Signs of rot, decay at base with raised soil around the base up to 2 feet increasing likelihood of further decay
- The tree is not significantly visible from any road, only the driveway of Vincent Road. Therefore, this tree does not contribute to the public amenity of the area. The presence or lack of the tree would have no significant impact on the local environment.
- Sycamore trees are a common tree with no species merit or value.
- The requirement to gain prior consent to work on the tree through the tree work application process will prevent or avoid any future maintenance carried out on the tree.

10 CONSIDERATION OF THE GROUNDS FOR OBJECTION

- The request for protection of the tree was received from the current tree owners. They are keen to retain their tree and appreciate the value it provides to them and the surrounding area
- An initial site visit was made firstly to view the sycamore tree from a public vantage point to satisfy the requirement, that it is visible from a public place prior to the order being made. The sycamore tree can be seen from the public highway/footway at multiple locations in the locality so meets the test that it, or at least a part of it, is visible from a public place. It is a relatively large tree and hence it can be seen from neighbouring roads as a backdrop feature. As such the tree is considered to have a good level of public amenity in the local townscape contrary to the representations made in the objections.
- In response to the objections received, on the grounds of safety and whether the stated codominant trunk and potential presence of rot presents a sufficient reason not to afford the tree protection, Officers have visited the site and inspected the tree. Officers are content following an assessment that the overall structural condition of the tree is satisfactory. There is a wound on the base of the trunk but there is no evidence of any decay in the main stem resulting from this wound. The reaction growth and wound wood formed by the tree indicates that the tree has compensated for the wound and this feature does not impact the long-term life expectancy of the tree at present.
- The tree, at the time of the site visit was in reasonable overall physiological condition and the overhanging branches did not appear to be at an increased risk of failure
- The condition of a tree can and does change over time and in response to external factors and climatic conditions - regular routine inspections are advised as part of good arboricultural management. The presence of a TPO upon a tree does not absolve the tree owner of the responsibility for its management and the general duty of care they have to visitors and neighbours. The tree owner has advised they have had the tree managed by Arboricultural Association approved contractors in the past. If the tree owners are concerned over the condition of the tree, in the future, they may wish to obtain the advice of a suitably qualified arboriculturist which may be submitted to support an application for remedial works if necessary.
- The imposition of a TPO on a tree does not prevent an owner, or neighbour carrying out reasonable routine management of the tree. There is no financial charge made by New Forest District Council in the processing of tree work applications.
- A TEMPO (Tree Evaluation Method for Preservation Orders) assessment was undertaken on the tree to evaluate its suitability for protection, and it confirmed that a TPO was defensible (appendix 2.)
- An additional benefit of retaining trees in towns is their positive contribution to green infrastructure and canopy cover, biodiversity, and associated ecosystem service provision. Government guidance sets out that where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. Mature

large canopy trees are particularly valuable in terms of the associated benefits they provide in the urban/built environment through cooling/shade, filtering of airborne pollutants, carbon sequestration and provision of biodiversity. Although these factors alone would not warrant making an order they should be considered as a general community benefit to the preservation of mature trees in towns, particularly in a declared climate and nature crisis.

- Sycamore is a relatively common species, and a long-naturalised tree. It has been cited as an important replacement species for the ash trees which are being lost due to ash dieback. With similar growing characteristics and a host for many types of insects providing food sources for birds and foraging bats, a source of pollen and nectar for bees. It does therefore provide associated ecological benefits.

11 CONCLUSION

A local planning authority may only make a tree preservation order where it appears to the authority that it is expedient to protect a tree or woodland in the interests of amenity.

This sycamore tree provides a positive contribution to the amenity of the area. The tree is under good management at present but if the property were to change hands without the protection of this TPO there is a threat that the tree may be removed due to the evident pressure being exerted by neighbours. Therefore, in the interest of public amenity it is expedient to confirm this Tree Preservation Order.

12 RECOMMENDATION

CONFIRM THE TREE PRESERVATION ORDER

Further Information:

Barry Rivers

Tree Officer (Planning)

023 8028 5629

barry.rivers@nfdc.gov.uk

HUMAN RIGHTS ACT 2000

I have been asked to exercise the power delegated to me by the Authority to make the following Tree Preservation Order:

TPO/0008/24 LAND AT 6 ALBERT ROAD, NEW MILTON

Having considered the Tree Officer's reasons for making the TPO, I make the above TPO.

In coming to this decision, I have carefully considered Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998.

Whilst I recognise that the decision to make the TPO may interfere with the 2 aforementioned rights, I believe it is necessary to do so in the public interest (so that others can enjoy the considerable amenity value and benefits afforded by the tree(s) and likewise necessary for the protection of the rights and freedoms of others (i.e. the inhabitants of the area) to enjoy the tree(s) in their present settings. I also consider such action to be proportionate to the overall aim.

Signed: *James Carpenter*

James Carpenter
Strategic Director for Place, Operations and Sustainability

Date: 18th October 2024

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER TPO/0008/24

LAND AT 6 ALBERT ROAD, NEW MILTON

The New Forest District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Anyone wishing to undertake works to trees protected by TPO should apply in writing to the Authority clearly identifying the tree(s) and the work intended. A decision will usually be issued within six weeks. Application forms are obtainable from the Authority's website.

Citation

1. This Order may be cited as the TPO/0008/24 - LAND AT 6 ALBERT ROAD, NEW MILTON.

Interpretation

2. (1) In this Order "the authority" means the New Forest District 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.

Effect

3. (1) Subject to article 4, 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, uprooting, 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 this 18th day of October 2024

Mark Wyatt

Authorised by the Authority to sign in that behalf

SCHEDULE

**SPECIFICATION OF TREES
TPO/0008/24**

Trees specified individually
(encircled in black on the Plan attached to this order)

Reference on map	Description	Situation
T1	Sycamore	Situated on the eastern extent of property rear garden, as shown on plan.



Tree Preservation Order Plan





Town and Country Planning Act 1990

TPO Number: TPO/0008/24

Scale: 1:1000

Date Printed: 17/10/24

Key

-  Individual trees covered by TPO
-  Area of trees covered by TPO
-  Groups covered by TPO
-  Woodland of trees covered by TPO



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 4th October 2024 Surveyor: Barry Rivers

Tree details
 TPO Ref (if applicable): N/A Tree/Group No: Species: Sycamore
 Owner (if known): Owners of 6 Albert Road Location: Rear garden of subject property 6 Albert Road

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes 5 Appears in good general health as observed on site. (not detailed inspection)

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes 4

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes 3/4
 Large tree visible from various public vantage points as a backdrop skyline feature

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes 1
 Although it is a relatively old tree in the locality

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

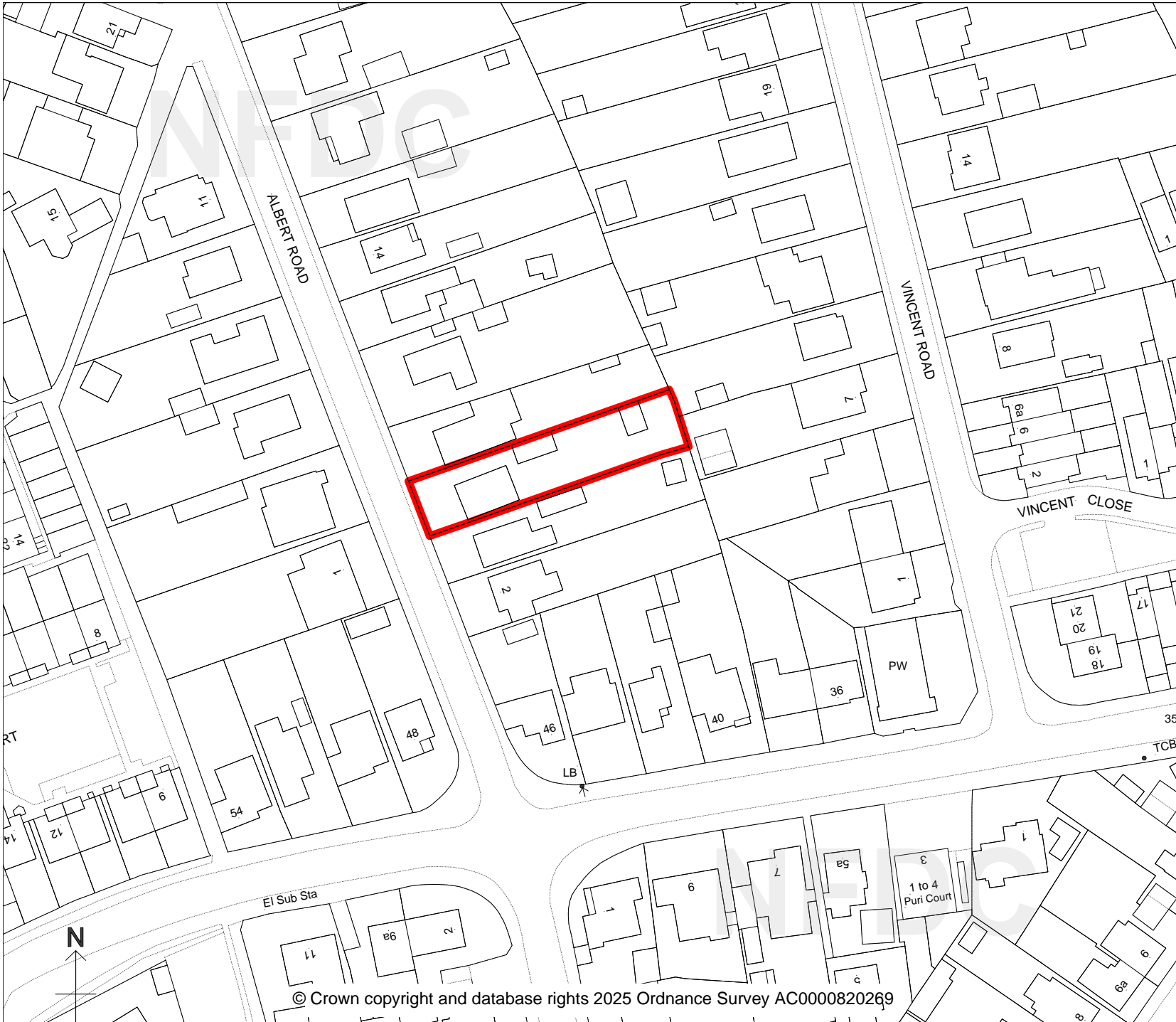
Score & Notes 1/2
 Concern over pressure for potentially excessive works carried out under common law rights

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
 14 or 16

Decision:
 TPO defensible



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Mark Wyatt
Service Manager
Development Management
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

March 2025

6 Albert Road
New Milton

TPO/0008/24

Scale 1:1000

N.B. If printing this plan from
the internet, it will not be to
scale.