

APPENDIX 2

OBJECTION TO TREE PRESERVATION ORDER TPO/0017/18

LAND TO THE NORTH OF TORREYANA GARDENS, PENNINGTON

REPORT OF THE NATIONAL PARK AUTHORITY TREE OFFICER

1. TREE PRESERVATION ORDER HISTORY

- 1.1 Tree Preservation Order TPO/0017/18 was made on 23rd April 2018. The order consists of a single Woodland feature situated to the north of the new housing development of Torreyana Gardens. (**Appendix 1**)

2.

- 2.1 The Order was made in response to concerns raised by members of the NFDC planning/policy team (**Appendices 2(a) and 2(b)**) as the parcel of land in question was/is being promoted for development. It was therefore considered expedient in the interest of current and future amenity to make and serve a TPO.

- 2.2 One objection has been received from:-

- Mr Spooner of SJA Trees Arboricultural Planning Consultants

- 2.3 In response to this objection Mr Spooner was e-mailed suggesting that ordinarily any comments indicating concern about the confirmation of an Order should be accompanied by a Tree Survey to support this position and that we would look at confirming the order in due course. Mr Spooner's response to this can be seen in **Appendix 3**. Following on from this the authority responded and provided clarification as to why the Authority felt it was expedient to make a TPO, why the woodland designation has been used and why we feel that the woodland provides a high level of public amenity

3. THE TREES

- 3.1 Several mature Oak trees are situated on the eastern boundary of the site with the remaining trees consisting of young and semi mature Oak trees with Ash, Blackthorn and Hawthorn noted throughout. The density of tree cover gradually reduces towards the western side of the site.
- 3.2 The average height of the trees at present is circa 5-10 m tall with an average stem diameter of 15-20 cm. Species such as Oak and Ash have the potential to increase significantly in both height and spread therefore the amenity value of these trees can only increase as the woodland matures.

3. OBJECTIONS TO THE ORDER

- 3.1 Mr Spooner objected to the Order on 7th June 2018 (**Appendix 3**)
- 3.2 Mr Spooner's grounds for objection were made within his letter under the following headings:
- The area covered by this TPO does not have significant amenity value
 - There is no expedience in making this TPO
 - Inappropriateness in the use of a 'Woodland' designation

4. COMMENTS ON THE GROUNDS FOR OBJECTION

- 4.1 **The area covered by this TPO does not have significant amenity value**
- 4.2 The trees provide a prominent backdrop to the newly completed Torreyana Gardens/Pinetops development and have significant amenity value for 16 new units that back on to this area. This area of green space also helps soften the development. (**Photos 1 – 7**)
- 4.3 Several properties accessed off of Ramley Road to the west also have clear views over this wooded area.
- 4.4 The trees have significant amenity value when viewed from the public footpath to the north of the site and contributes to the verdant character of the path and adjacent land. (**Photo 8**)

4.5 **There is no expediency in making this TPO**

The land in question is owned by Wates developments Ltd and has been promoted for development. A Tree Preservation Order was previously drafted in response to a development enquiry. This piece of land was consequently not considered suitable for development and the tree were therefore not under threat.

An objection towards this Tree Preservation Order reinforces the expediency of its creation.

Mr Spooner suggests that his client is a responsible land owner and would not fell trees needlessly. It is unclear from this statement as to why an objection has been lodged if this is the case.

4.6 **Inappropriateness in the use of a 'Woodland' designation**

The use of a woodland designation is the most suitable option at this time when administering the TPO. It provides protection for all trees of whatsoever species of any age. The authority is of the opinion that this is a developing woodland with significant amenity value.

5. SUPPORT FOR THE ORDER

- 5.1 1 photo and letter of support were submitted on the 19th July 2018 (**Photo 10 and Appendix 8**)

6.0 CONCLUSION:

- 6.1 The Authority's Tree Officer takes the view that the protected woodland makes a positive contribution to public amenity and the character of the area. The amenity value that the trees provide can only increase in time as the trees and woodland matures. The change in use of the adjacent land through potential future development will result in an even greater amenity value than woodland already provides. This is an important asset to the local area and could be incorporated into any future development plans that may be approved.

7.0 RECOMMENDATION:

- 7.1 For the above reasons it is recommended that Tree Preservation Order TPO/17/18 be confirmed without modification.

For further information contact:

James Palmer
Tree Officer, New Forest National Park Authority
Tel: 01590 646677
E-mail: james.palmer@newforestnpa.gov.uk

Subject: FW: Tree Work/felling to the north of Lymington

From: Richard Payne <Richard.Payne@NFDC.gov.uk>
Sent: 28 March 2018 09:07
To: James Palmer <James.Palmer@newforestnpa.gov.uk>
Subject: RE: Tree Work/felling to the north of Lymington

Thanks James. First paragraph – thanks for checking.

Second paragraph, yes the recent development leaves room for an access and I understand the land is now promoted for development. I asked Liz to draft a TPO but we put it on hold back at the time of the development because the area seemed to be in no longer in danger. I am a little worried that the trees might be in danger again as the land is being promoted for development (though we are not seeking it in the new local plan at the moment). That is why I asked for the TPO to be served if the trees are still of value (originally I saw them as a future amenity especially seeking play area amongst the trees, and a softer rural edge for the recent Penny Farthing development. The road layout was intended to head north and might take out the odd one or two trees but the essence of the group could be embraced by development designs as long as the owner hadn't clear felled to clear any obstruction to planning or dwelling numbers.

Regards

Richard

From: James Palmer [<mailto:James.Palmer@newforestnpa.gov.uk>]
Sent: 27 March 2018 13:45
To: Richard Payne
Cc: Nik Gruber
Subject: RE: Tree Work/felling to the north of Lymington

Good afternoon Richard,

I have been out today to investigate large scale tree removal along/near the Yaldhurst Lane area to north of Lymington. I had a good walk around the area and there was no suggestion of any recent or historic large scale tree removal. I spoke to the owners of Cowley Farm and Haybarn which are situated off of Cowley Road and the owners of Yaldhurst Farm House which is situated off of Yaldhurst Lane. The owners were not aware that any tree felling had taken place recently or since they had lived there?

I also popped by to look at the piece of land to the north of the Pennyfarthings Pinetops development. The maturing woodland provides significant amenity to the local area, school and residents of the new development, do you know if this is a potential site for further development? The road layout of the now Torreyana Gardens suggests they may have intention to develop it as the road comes to a dead end bordering that site. Do you know if this has been considered?

Thanks Richard

James

James Palmer
Tree Officer
01590 64 6677

Subject:

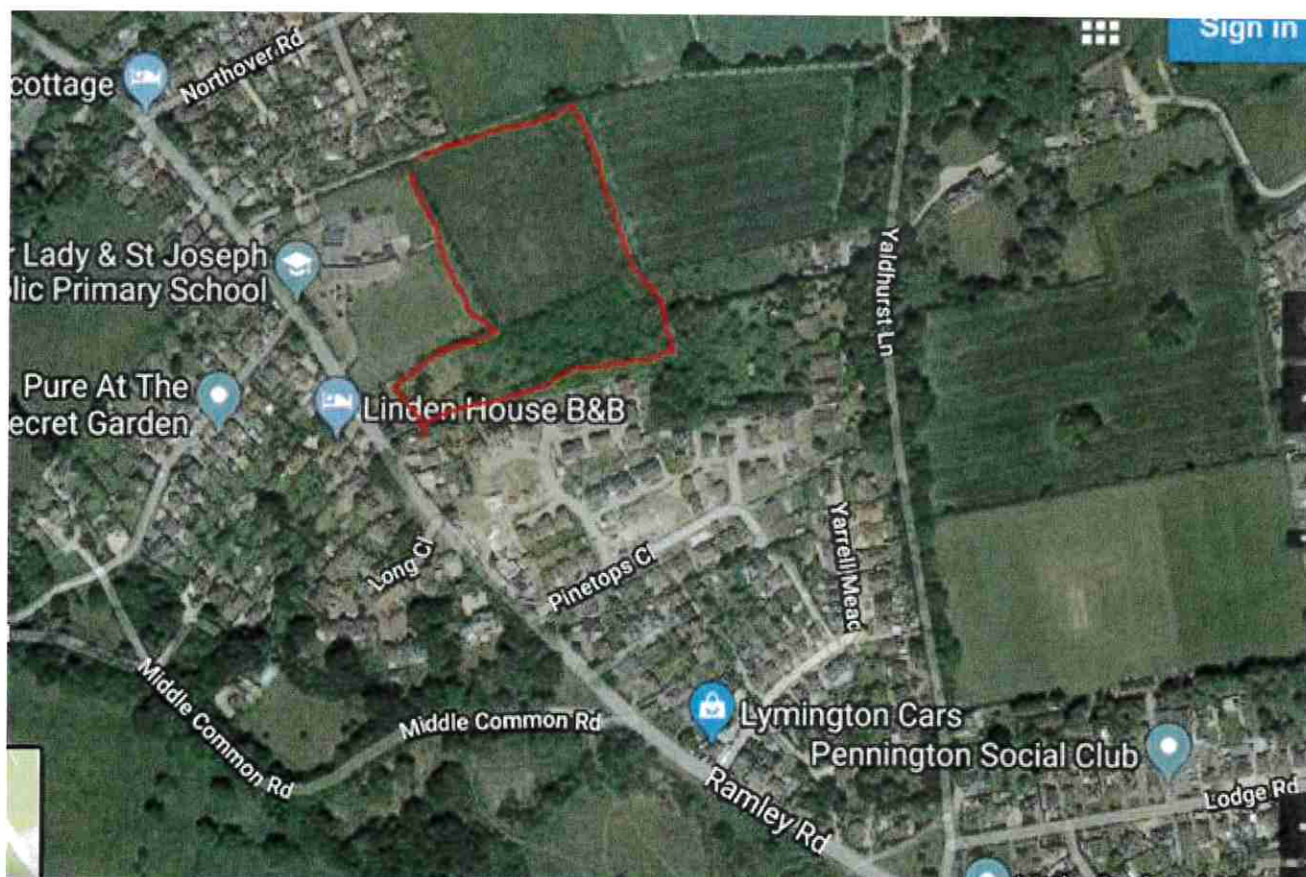
FW: Tree Preservation Order TPO/0017/18

From: Mark Williams <Mark.Williams@NFDC.gov.uk>**Sent:** 18 July 2018 16:01**To:** Richard Payne <Richard.Payne@NFDC.gov.uk>; James Palmer <James.Palmer@newforestnpa.gov.uk>**Cc:** Louise Evans <Louise.Evans@NFDC.gov.uk>; Nik Gruber <Nik.Gruber@newforestnpa.gov.uk>**Subject:** RE: Tree Preservation Order TPO/0017/18

James,

The land in question is strong Green Belt and would remain such based on our recently published draft LP. Whilst it has been promoted for development there is no realistic prospect of receiving a consent for housing if an application was submitted, unless we chose to support it as an affordable housing exception site. The latter has had some discussion and town council interest, so should a blanket TPO not be appropriate we would still favour individual TPOs to be made where justified.

Regards

**Mark Williams**

Principal Policy Planner

Planning Policy

New Forest District Council

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mark.williams@nfdc.gov.uknewforest.gov.uk



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From: Richard Payne
Sent: 18 July 2018 09:24
To: 'James Palmer'
Cc: Louise Evans; Mark Williams; 'Nik Gruber'
Subject: RE: Tree Preservation Order TPO/0017/18

This layout proposal is not a plan I am familiar with.

The trees were ear marked for retention and protection during consideration of the last local plan. However, I did intend for some land (the western end of the site) to be available for development and land to the east to contain public open space and natural play amongst the trees if any development did come forward. Certainly the trees should be a major part of our negotiation on this site but might be better as an identified group or even individual trees once any objector/applicant has supplied a survey. The site has none of the other attributes of a woodland such that I would think it more appropriate to consider it otherwise but we have a statutory duty to consider the protection of these trees in considering any new development and a TPO is the only tool at our disposal.

Regards

Richard Payne

Team Leader - Environmental Design

New Forest District Council

Tel: **023 8028 5588**

richard.payne@nfdc.gov.uk

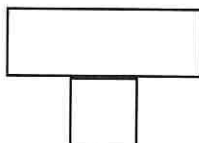
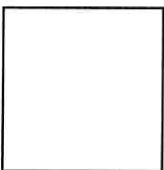
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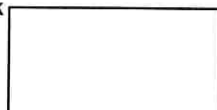
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**New Forest National Park
Authority**

Lymington Town Hall
Avenue Road
Lymington



TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 23/4/18	Surveyor: James Palmer
Tree details TPO Ref (if applicable): — Tree/Group No: Species: Mixed Woodland Owner (if known): — Location: North of Torreyana Gardens	

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

* 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

5

* 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

4

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

woodland feature, important for cohesion.

4

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

Potential development site.

3

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:

21

Decision:

Make TPO.

photo 1

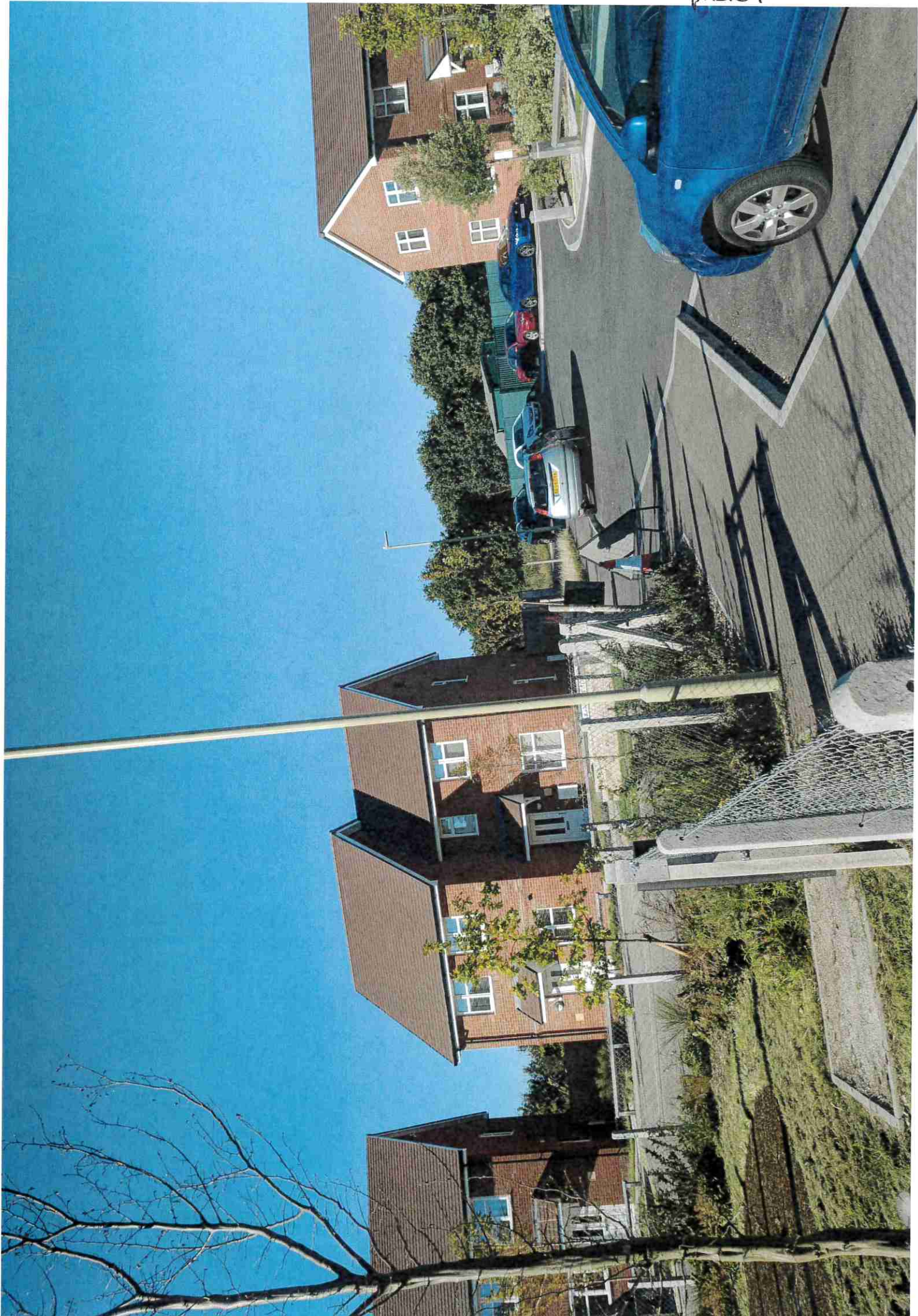


photo 2

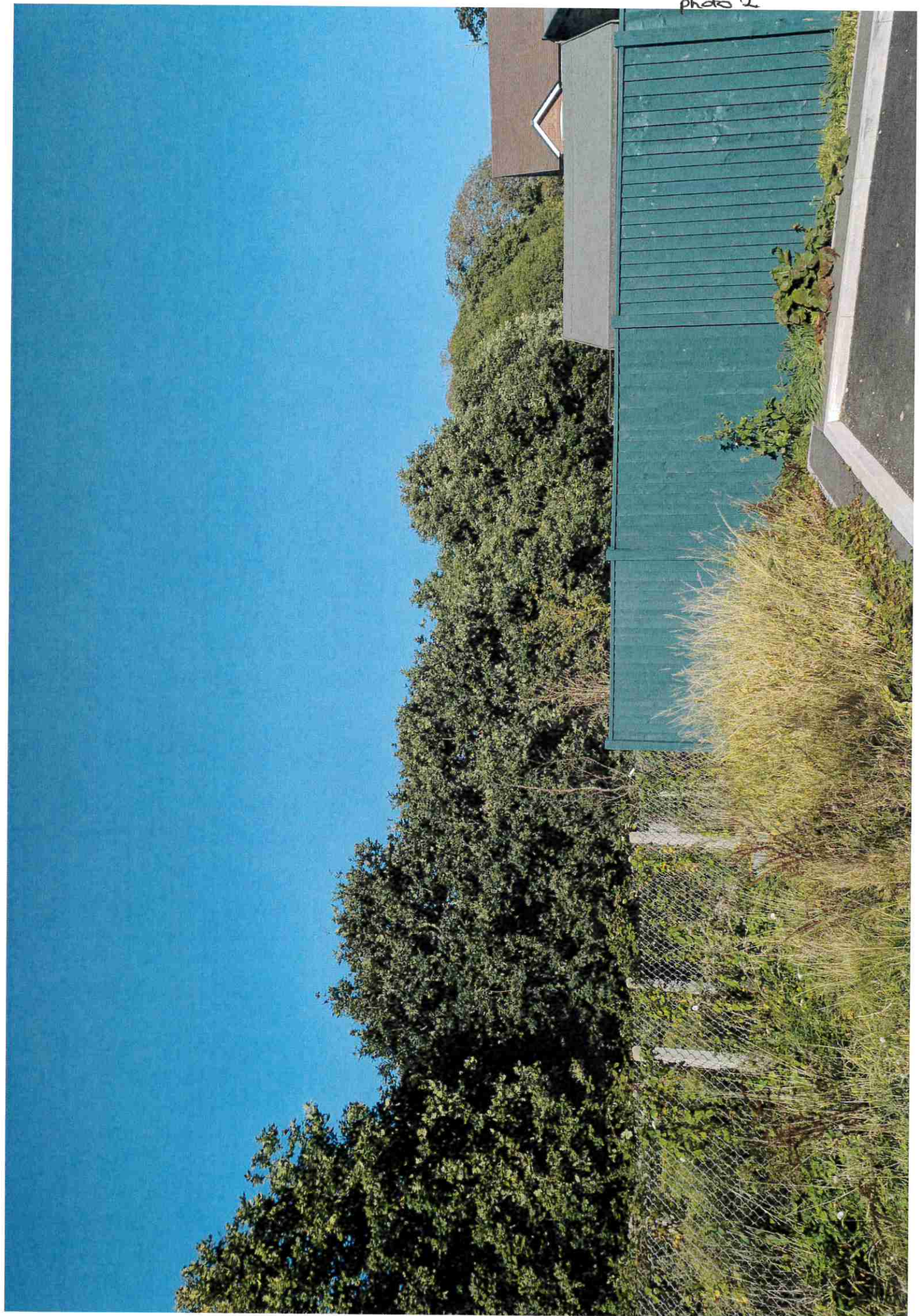


photo 3

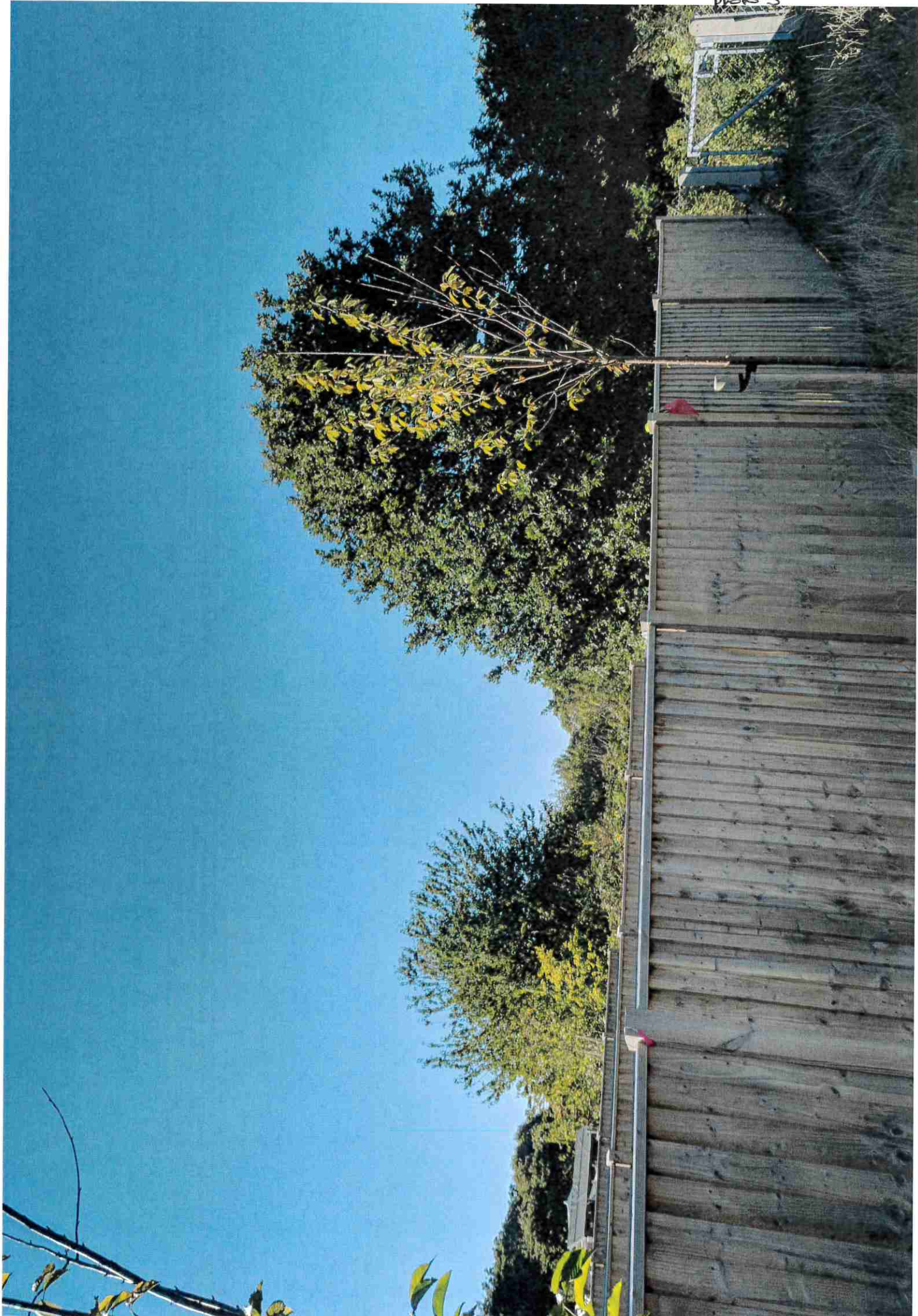
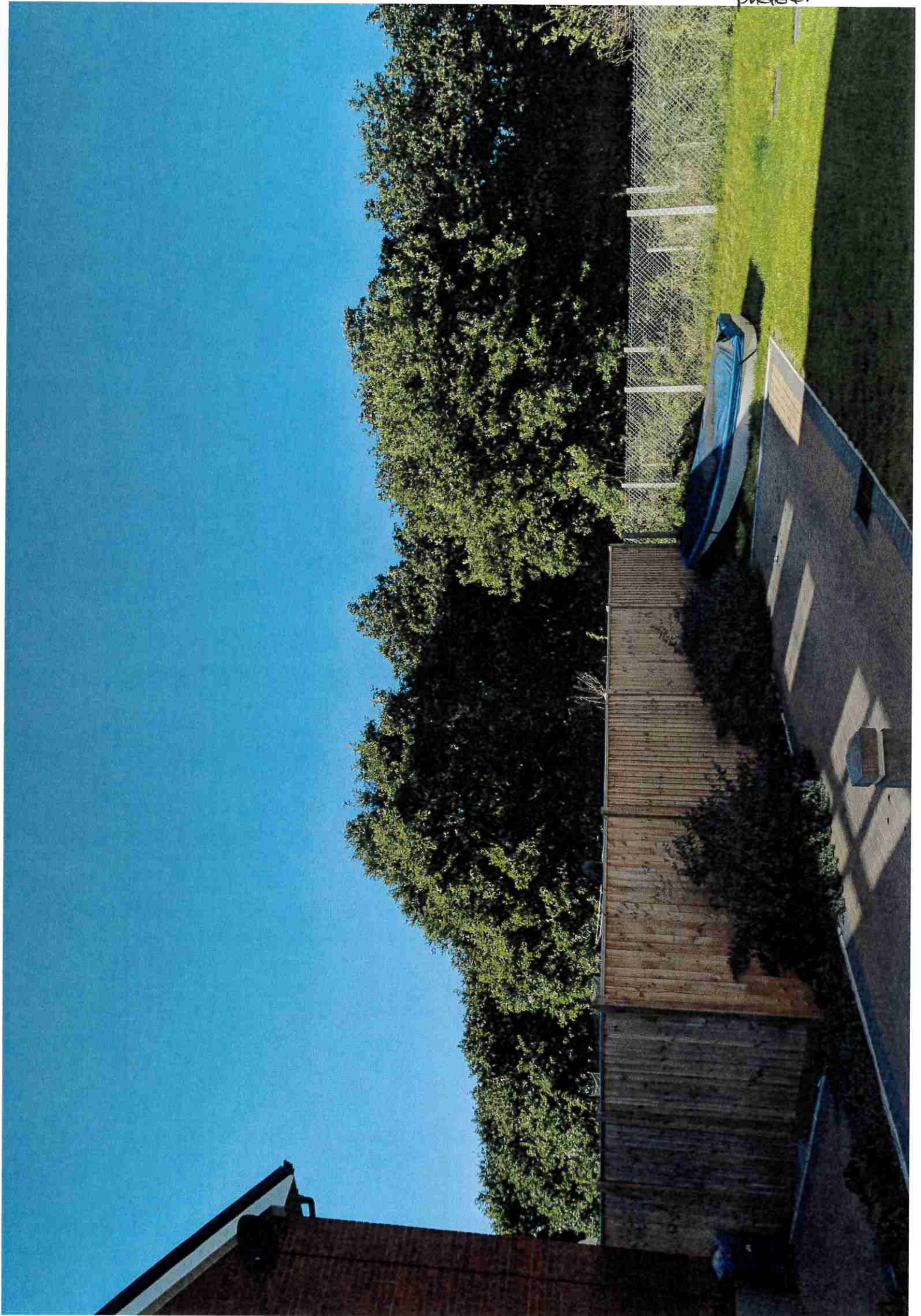


photo 4.



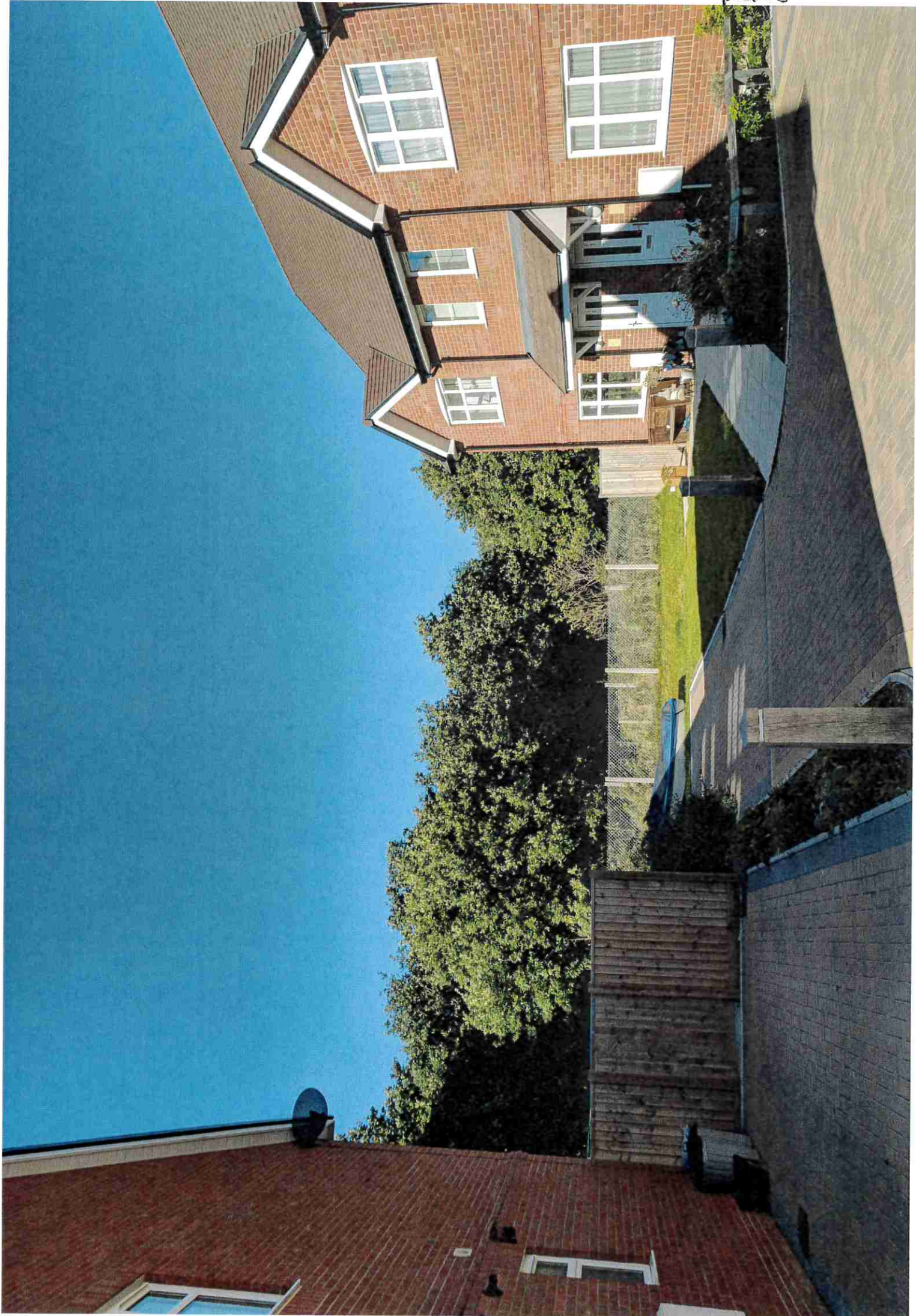


photo 6.

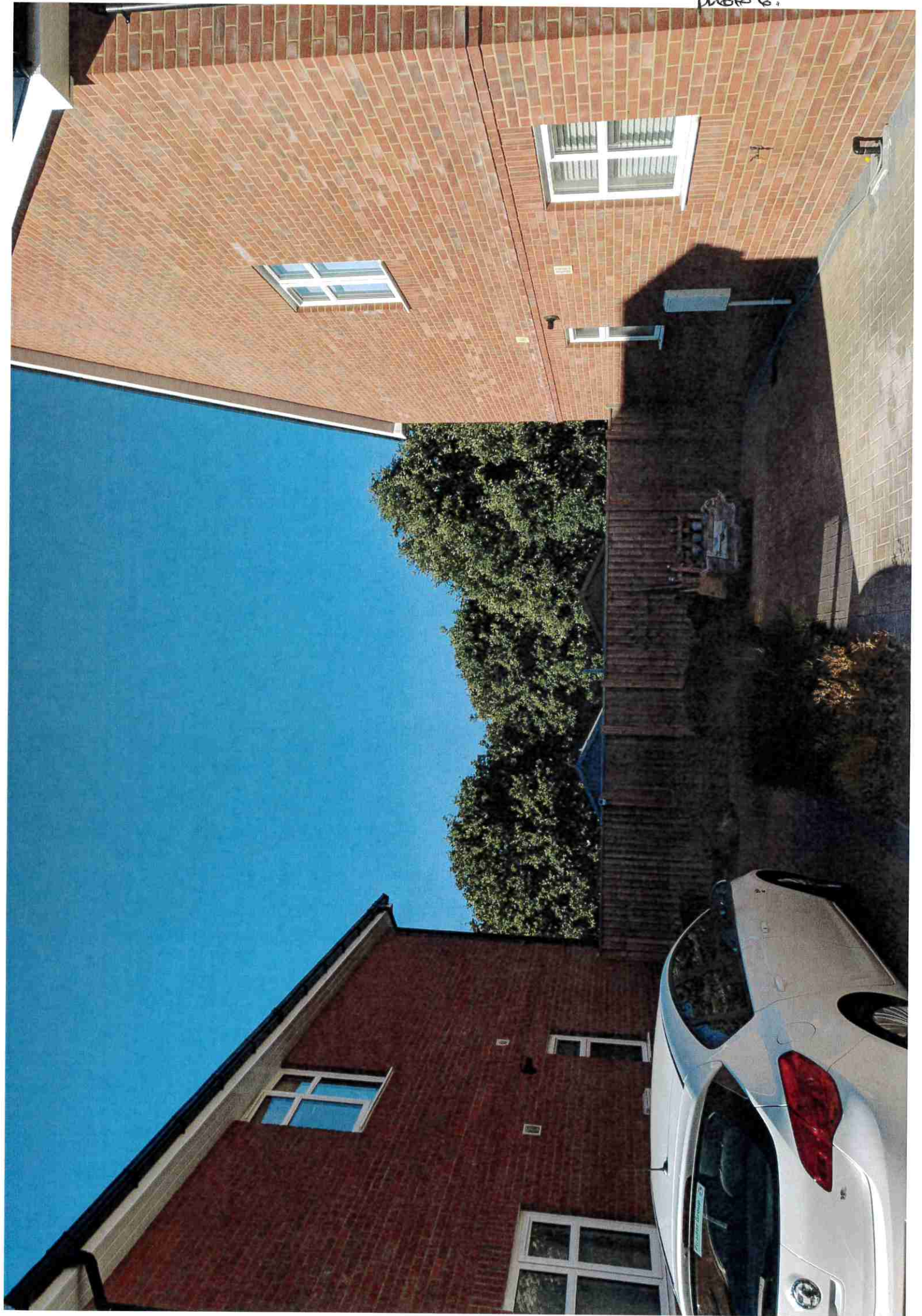


photo 7



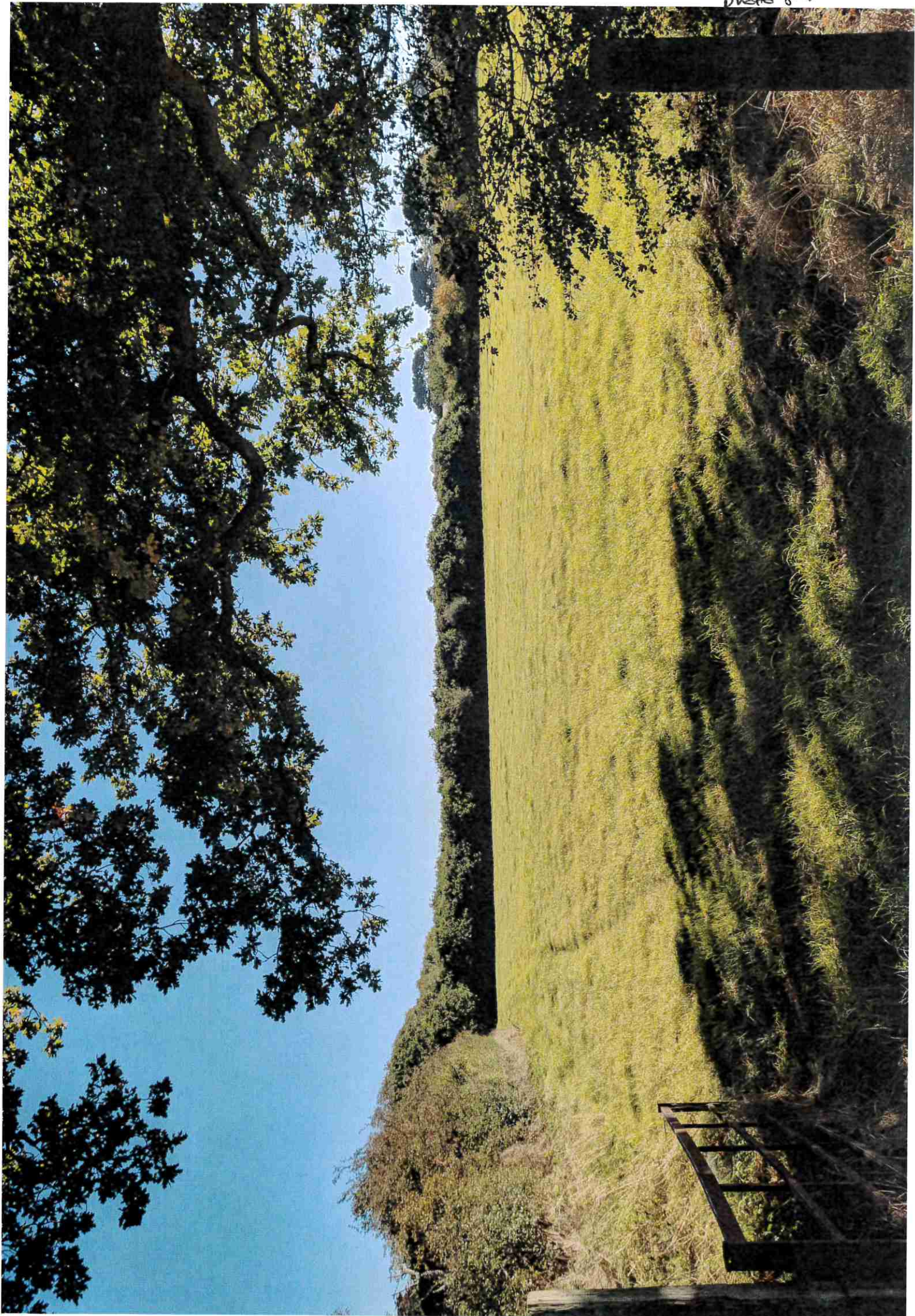


photo 9.

