

Reference No: TPO TPO/2023/0089
Proposal: To protect trees within the designated Area
Address: 2 Brune Way, West Parley, Ferndown, Dorset BH22 8QG
Recommendation: to confirm Tree Preservation Order with modifications to schedule and site plan
Case Officer: Andrew Douglas
Ward Members: Cllr Andrew Parry

Publicity expiry date:	13.12.2023	Officer site visit date:	Photos available
Decision due date:	15.05.2024		

MAIN REPORT

1.0 REASON FOR REFERRAL TO COMMITTEE

The application has been referred to committee by the service manager, given the number of third-party representations received (7) in response to the Tree Preservation Order (TPO).

2.0 DESCRIPTION OF SITE AND SURROUNDINGS

2 Brune Way is a corner plot with Glenmoor Road and is located adjacent to the Dudsbury Road Special Character Area. The area holds a significant number of mature trees both coniferous and deciduous, the majority of which are protected by Tree Preservation Orders. The site itself holds a number of mature trees including Pine, Cedar and Birch as well as overgrown Leylandii.

3.0 PROPOSAL

The proposal is to confirm the TPO with modification to site plan and schedule. The existing TPO has an 'Area' designation which includes all trees of whatever species. The proposal is to modify the Order to include only those individual and groups which merit protection due to their amenity value.

As part of the TPO making procedure, the trees were assessed using the nationally recognised Tree Evaluation Method for Preservation Orders assessment (TEMPO). This assessment has been developed to provide a transparent and objective means of evaluating and considering the merits of trees and whether their amenity value is such that it warrants protection. It is split into different aspects of the amenity value and identifies a scoring system. A minimum of 12 points is required.

The trees on the property were assessed individually and scores were given based on condition, retention span, public visibility, and expediency. They scored between 15 and 19, putting them in the category “definitely merits TPO” or “TPO defensible” (see appendix A).

The appended site plan and schedule (see appendix B) identifies the species and location of those trees to be covered by the amended TPO. Those being x1 Birch (T1), x1 Cedar (T2) and x4 Pine (T3 and G1).

4.0 POLICY CONTEXT

The purpose of a TPO is to preserve the trees and their amenity value.

The Procedure for making a tree preservation order is set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012

Local Planning Authorities can make a Tree Preservation Order (TPO) if it appears to them to be *'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'*. In this respect, *'expediency'* means that there is a risk of trees being felled or pruned severely so as to spoil the amenity of the trees or be detrimental to the health of the trees. An Order prohibits the cutting down, topping, lopping, uprooting or wilful destruction of trees without the Local Planning Authority's written consent.

An Order comes into effect on the day that it is made, and once made, interested parties have a minimum of 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the LPA has considered duly made representations made in response to the Order.

5.0 LOCAL REPRESENTATIONS

On serving the Tree Preservation Order (TPO), the landowner and immediate neighbours were notified and allowed 28 days to comment.

Representations objecting to making the Tree Preservation Order have been received. The main reasons for the objections include:

- The trees have caused damage to property.
- The trees have not been managed.
- High density and height of the trees block light to properties.
- The trees are not of special interest.
- A tree survey of the site was undertaken prior to the TPO being made.
- The trees could cause problems with drainage.
- The trees obstruct the pavement and are unsightly.
- The new owner of the property will be responsible managers.
- Highways instructed previous owners to maintain trees and shrubs obstructing footpaths and highways.
- The LPA have singled out the property.
- Removal of trees would not have any impact on the local environment.
- No other properties in Brune Way been served with a TPO.
- There are no current planning applications at the property so the trees are not deemed to be at risk.

6.0 CONSULTATIONS

West Parley Parish Council – no response

7.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

TPOs, protect selected trees and woodlands if their destruction or removal would have a significant negative impact on the local environment and its enjoyment by the public. The retention of these amenity trees will bring a reasonable degree of public benefit in the present or future.

This recommendation is based on adopted good practice and does not prejudice the Human Rights of the applicant or any third party.

8.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims: -

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

The confirmation of a Tree Preservation Order will result in no actual works being undertaken as a result of the designation. It is therefore not considered that this will result in any disadvantage to people with a protected characteristic.

9.0 Financial benefits

There are no financial implications for the Council at this stage.

10.0 Climate Implications

The benefits provided by trees are significant. Their role in helping to regulate the climate is well documented and the value trees provide is recognised within the ‘England Trees Action Plan 2021-2024’.

Mature trees such as these trees at 2 Brune Way, play a key role in helping to tackle the climate emergency. They directly remove carbon dioxide from the atmosphere and convert this to stored carbon. Additionally, they are important for biodiversity both in their own right

and as a habitat for other species. Therefore, the protection of these trees will contribute towards the council's objectives of reducing the effects of global warming and carbon emissions.

The climate crisis remains a significant, long-term challenge in the coming years and decades, and there is a growing ecological crisis too. One way towards achieving the council's climate and ecological emergency strategy (2023- 25) is to safeguard trees that are identified as worthy of protection.

11.0 APPRAISAL

Third party concerns consider that the property has been singled out as no other properties in Brune Way have been served with a TPO.

An Area TPO was served in December 2023 in reaction to the property being placed on the market and subsequently sold. It has not been served to prevent development, rather to ensure the retention of the better-quality trees including Birch, Pine and Blue Atlas Cedar which contribute to character of the area. As aforementioned, a Tree Evaluation Method for Preservation Orders (TEMPO) has been carried out to evaluate the trees suitability for a TPO. Each tree has been individually assessed with the better-quality trees to be included in the TPO scoring between 15 and 19 against TEMPO criteria (Appendix A).

The Birch, Pine and Blue Atlas Cedar trees to be included in the order are prominent in the street scene and visible in the wider area (Glenmoor Road, Brune Way and New Road).

The existing TPO has an area designation which includes all trees of whatever species. Whilst the points raised by third parties are noted, it is not, and has never been the intention of the Council to protect everything within the site hence the proposed modified TPO identifying only those higher quality specimens (see plan and schedule appended to this report).

Government guidance suggests that Area TPOs should not, where practicable, be confirmed. Rather a modified TPO should be produced for confirmation as in this case.

The officer recommendation to modify the TPO is consistent with this guidance.

12.0 OTHER CONSIDERATIONS

The officer assessment has taken account of third-party concerns in particular.

- *The trees have not been managed, they obstruct the pavement and are unsightly, they may cause drainage issues, the trees are not of special interest, A tree survey of the site was undertaken prior to the TPO being made, removal of trees would not have any impact on the local environment.*

The trees to be protected have been individually assessed and are considered to be of reasonable health and normal vitality making them worthy of protection. They are mature trees which add to the biodiversity of the area and are visible from the public domain giving them high visual public amenity value.

- *The new owner of the property will be responsible managers, highways instructed previous owners to maintain trees and shrubs obstructing footpaths and highways.*

The TPO will not stop any future maintenance to the trees by the landowner.

- *The trees have caused damage to property.*

No evidence has been submitted to indicate that the trees to be protected under this order have caused any damage to property.

13.0 CONCLUSION

The TPO with modification is considered to be compliant with government good practice and seeks to safeguard the longer-term retention of amenity trees within the site.

14.0 RECOMMENDATION

That the TPO is confirmed with modification as set out in Appendix B

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15.01.2024	Surveyor: AD
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Tree details	
TPO Ref (if applicable): 23/0089	Tree/Group No: T1 Species: Birch
Owner (if known):	Location: 2 Brune Way, West Parley

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
3

* 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
1

* 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

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
5

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
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:
15

Decision:
TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15.01.2024	Surveyor: AD
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Tree details TPO Ref (if applicable): 23/0089 Owner (if known):	Tree/Group No: T2 Location: 2 Brune Way, West Parley	Species: Cedar
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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 |

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

Score & Notes

3

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 |

* 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

Score & Notes

4

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 | Score & Notes
5 |
| 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

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Part 3: Decision guide

- | | | | |
|-------|--------------------|-----------------------------|------------------|
| Any 0 | Do not apply TPO | Add Scores for Total:
19 | Decision:
TPO |
| 1-6 | TPO indefensible | | |
| 7-11 | Does not merit TPO | | |
| 12-15 | TPO defensible | | |
| 16+ | Definitely merits | | |

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15.01.2024	Surveyor: AD
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Tree details TPO Ref (if applicable): 23/0089 Owner (if known):	Tree/Group No: T3 Location: 2 Brune Way, West Parley	Species: Pine
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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 |

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

Score & Notes

3

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 |

* 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

Score & Notes

2

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

5

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 | Score & Notes
5 |
| 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 | |

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Part 3: Decision guide

- | | | | |
|-------|-----------------------|-----------------------------|------------------|
| Any 0 | Do not apply TPO | Add Scores for Total:
18 | Decision:
TPO |
| 1-6 | TPO indefensible | | |
| 7-11 | Does not merit TPO | | |
| 12-15 | TPO defensible | | |
| 16+ | Definitely merits TPO | | |

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15.01.2024	Surveyor: AD
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Tree details TPO Ref (if applicable): 23/0089 Owner (if known):	Tree/Group No: G1 Location: 2 Brune Way, West Parley	Species: x3 Pine
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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 |

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

Score & Notes

5

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 |

* 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

Score & Notes

2

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 | 5 |
| 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

5

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes

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:

19

Decision:

TPO

Modified Schedule

Specification of trees

Trees specified individually.
(Encircled in black on the map)

Reference on map and description	Situation
T1 – Birch T2 – Blue Atlas Cedar T3 – Pine	Land of 2 Brune Way, West Parley, Ferndown, BH22 8QG. As shown on plan.

Trees specified by reference to an area
(Within a dotted black line on the map)

Reference on map and description	Situation
None	

Groups of trees

(Within a broken black line on the map)

Reference on map and description	Situation
G1 – Pine x3	Land of 2 Brune Way, West Parley, Ferndown, BH22 8QG. As shown on plan.

Woodlands

(Within a continuous black line on the map)

Reference on map and description	Situation
None	

