



Report for: **Planning Committee**

Date of Meeting: 19 March 2022

Subject: TPO No.965 The Ridgeway (No.2) West Harrow – confirmation of provisional TPO

Responsible Officer: Rebecca Farrar, Arboricultural Officer

Exempt: No

Wards affected: West Harrow

Enclosures:

- Appendix A - TPO 965 map and schedule (current / provisional)
- Appendix B - TPO 965 map and schedule (proposed modified for confirmation)
- Appendix C – Site Photographs
- Appendix D – Objection from The Brethren

Section 1 – Summary and Recommendations

The Council made provisional Tree Preservation Order No.965 on 1 November 2021. This TPO protects trees within the site known as The Brethren Meeting Hall, as indicated on the attached plan at Appendix A. Before confirming the order, the Council must consider any objections and representations duly made in respect of the order. An objection has been made against the TPO and therefore the matter is being reported to the Planning Committee. This report considers the objection received and seeks authority to confirm the order with modifications (as set out in Appendix B).

Recommendations:

The Committee is requested to:

- (A) Confirm TPO No.965 The Ridgeway (No.2) West Harrow with modifications as set out in Appendix B.

Reason: The trees are considered to be threatened by development and their loss would have a detrimental impact on the visual amenity and wider landscape. It was therefore considered expedient to serve a TPO and is considered appropriate to confirm the provisional TPO. If this TPO is not confirmed within six months of 1 November 2021, the statutory protection afforded to the aforementioned trees will lapse.

Section 2 – Report

1. Background

- 1.1 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’. Key criteria relate to visibility (by the public) and individual, collective and wider impact of the trees. The National Planning Practice Guidance (NPPG) provides detailed guidance¹ in relation to TPOs.
- 1.2 The subject site is a church hall situated to the northeast of The Ridgeway and to the south of West Harrow allotments. In 2020 proposals for a residential development of the site were submitted to the Local Planning Authority (reference P/1920/20). Under these proposals, a number of existing trees within the site would be removed to facilitate the development. On 19 December 2020 the Council received reports of trees within the site, on the boundary between the allotments and the Brethren Meeting Hall, being felled.
- 1.3 On 2 September 2021 application reference P/1920/20 was refused. The applicants are appealing that decision to the Planning Inspectorate. In response to threat of development, and in view of the owners’ previous actions, a TPO was considered to be a proportionate response and expedient in the interests of amenity. It should be noted that in the event the appeal is allowed, and full planning permission granted, this would over-ride TPO protection (i.e. consent is not required for carrying out work on trees subject to an Order so far as such work is necessary to implement a full planning permission). The current, provisional TPO (TPO No.965 The Ridgeway (No.2) West Harrow) is included in Appendix A.
- 1.4 In the interests of expediency, an Area TPO was made. Under the NPPG ‘the area category is intended for short-term protection in an emergency and may not be capable of providing appropriate long-term protection ... Authorities are advised to only use this category as a temporary measure until they can fully assess and reclassify the trees in the area’. In the context of the subject site, once the outcome of the appeal against the LPA’s refusal of application P/1920/20 is known, it may be appropriate to resurvey the trees in greater detail and serve a new TPO that identifies groups of trees or individual trees rather than the current area-TPO.
- 1.5 Appendix C includes photographs of the site.
- 1.6 Shortly after the TPO was made, in accordance with statutory procedures, TPO 965 was served on the owners/ occupiers and all affected properties, who were informed of the right to make objections and representations within the relevant timeframe (at least 28 days).

¹ <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

- 1.7 If the TPO is not confirmed within six months of 1 November 2021, the statutory protection afforded to the aforementioned trees will lapse.
- 1.8 Where duly made objections are received in relation to a provisional TPO, the objections are reported to the Planning Committee for consideration and decision as to whether or not the provisional Order should be confirmed (made permanent). If no objections are received, the decision to confirm is delegated to the Chief Planning Officer. As an objection has been received (see section 2 below), the matter is being brought to Planning Committee for consideration.

2. Objections

- 2.1 An objection was subsequently received from The Brethren who are the owners of the site (with the exclusion of the adjoining Site of Importance for Nature Conservation (SINC) which is under council ownership and included as Area A3 on the provisional TPO) and their objections are summarised and addressed below. The full version of The Brethren's objection letter is attached (Appendix D).
- 2.2 *The use of TreeAP, a structured system which uses a flowchart to assess trees for TPO suitability, has been questioned in its suitability for assessing this TPO, the main criticisms being that TreeAP is still in development / in draft status and is not to date, available for wider release.*
- 2.3 Response: Whilst this may be the case, the format still provides a quick, simple method of assessment. The National Planning Practice Guidance (NPPG) does not prescribe assessment methods. It indicates that 'authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way', which TreeAP is considered to do so.
- 2.4 *A1 – a number of these trees have bark loss, squirrel damage and are in poor condition / health with no potential for recovery. We do not believe the Maple trees within A1 have safe useful life expectancy of more than 10 years.*
- 2.5 Response: This group of trees (A1) comprises Ash, Field Maple, Norway Maple, Hazel, Alder, Whitebeam. Collectively they form a useful delineating screen, a buffer between the site and the adjoining entrance road. It is accepted that some are in relatively poor condition owing to squirrel damage (grey squirrels strip the bark from trees). Such trees can be removed if necessary (such to consent from the Council). The findings appear at odds with those of an earlier tree survey (Macintyre 2019) which gives this group 'C' retention category rating and SULE (safe useful life expectancy) of 20+ years.
- 2.6 *A1 – the majority of trees are Ash species and have symptoms of Ash dieback. We do not believe they have safe useful life expectancy of more than 10 years*
- 2.7 Response: Ash dieback is a fungal disease which has already had a significant impact on the native Ash population and which, unfortunately, is increasingly being found on sites across Harrow. Younger Ash trees tend to be more susceptible to infection. The Ash trees within A1 form part of a useful delineating screen and are clearly visible from the road, and on this basis the TPO was considered expedient. In the long term, it may not be expedient to include such trees in any revised TPO after detailed survey (as noted in paragraph 1.4 above).

- 2.8 A2 – *the majority of tree species are Ash, many of which are exhibiting signs of Ash dieback. We don't believe they have a SULE of more than 20 years*
- 2.9 Response: This group of approx. 11 x trees is formed of Ash, Field Maple, Hazel. Fast growing Ash dominates the group and the group collectively forms an effective delineating screen and 'buffer' from the main road. Again, a number of the Ash trees within have suspected symptoms of Ash Dieback. This is likely to reduce their useful life expectancy and suitability (in the long term) for TPO protection. Nevertheless they currently provide a valuable natural screen and their collective value formed the main basis for the TPO. It would be good practice to review the Area Order and identify those trees (groups or individuals) which merit protection, consistent with the NPPG (as per paragraph 1.4 above).
- 2.10 *The use of the 'Area' designation is not suitable for long terms protection and should not be used:*
- 2.11 Response: This point is acknowledged and accepted (refer to paragraph 1.4 above). The use of Area Orders (or 'emergency TPOs as they are also known) is intended to provide temporary protection on a site, until individual groups and trees can be identified for inclusion within a permanent TPO. The use of the area designation is not suitable for long term protection.
- 2.12 *There is no 'known threat'. A written statement was provided and a verbal agreement given that no further trees would be felled*
- 2.13 Response: This may be the case; however the threat of removal remains therefore a TPO was considered expedient.
- 2.14 *Inclusion of the council-owned SINC within the TPO is not appropriate*
- 2.15 Response: Trees under council ownership are assumed to be under good management, and already enjoy 'protection' in that they are in the ownership of the council. As such it is not usual practice to serve TPOs on council-owned trees, although the NPPG does not preclude Council owned trees from being included in a TPO (for example, if there is a potential threat to the trees from works able to be undertaken from adjoining land). The inclusion of the council-owned SINC in the provisional TPO was a finely balanced decision between usual practice (not to include), the relatively quality of the trees, and site-specific risks of inappropriate tree works at the edge of the council-owned land. In light of the representations received and reconsideration of the matter, the modified TPO recommended for confirmation excludes the council-owned SINC.
- 2.16 No other objections were received.

3. Conclusion

- 3.1 The Committee is requested to give due consideration to the objection received against the provisional TPO and the Arboricultural Officer's response to the objection outlined above.
- 3.2 It is recommended that the TPO is confirmed in its modified form, as set out in Appendix B.

Equalities impact

In considering this matter the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this report and recommendation there are no adverse equalities issues.

Legal Implications

The legal implications of this report / recommendations are addressed in the body of the report.

Financial Implications

The cost of the assessment of any applications for works to trees protected by the TPO would be from the revenue budget of the Planning Service.

Section 3 - Statutory Officer Clearance

Statutory Officer:

Mrinalini Rajaratnam, Senior Lawyer & Assistant Team Leader

Signed on behalf of the Monitoring Officer

Date: 2 March 2022

Planning Policy Manager:

Signed by the Planning Policy Manager

Date: 3 March 2022

Corporate Director:

Signed by the Corporate Director

Date: 1 March 2022

Mandatory Checks:

Ward Councillors notified: YES

Section 4 - Contact Details and Background Papers

Contact: Rebecca Farrar, Arboriculture Officer, direct line 020 8736 6092

Appendices:

Appendix A - TPO 965 map and schedule (current / provisional)

Appendix B - TPO 965 map and schedule (proposed modified)

Appendix C – site photographs

Appendix D – full objection from The Brethren

Appendix A - Existing provisional TPO 965 map and schedule



SCHEDULE 1**SPECIFICATION OF TREES****TREES SPECIFIED INDIVIDUALLY**

(encircled in black on the map attached hereto ["the map"])

Reference on Map	Description	Situation
T1	Oak	SE boundary with TFL / railway

TREES SPECIFIED BY REFERENCE TO AN AREA

(within a dotted black line on the map)



No. on Map	Description	Situation
A1	Mixed species comprising mainly Ash, Field Maple, Holly, Hazel, Whitebeam within the area marked A1	NW boundary with The Ridgeway and bordering allotment entrance road
A2	Mixed species comprising mainly Ash, Maple, Hazel within the area marked A2	NW boundary with Ridgeway and bordering entrance road to the Brethren Meeting Hall
A3	Mixed species comprising Hawthorn, Elder, Oak, Ash within the area marked A3	Council-owned land on SW boundary with The Ridgeway

**GROUPS OF TREES**

(within a broken line on the map)

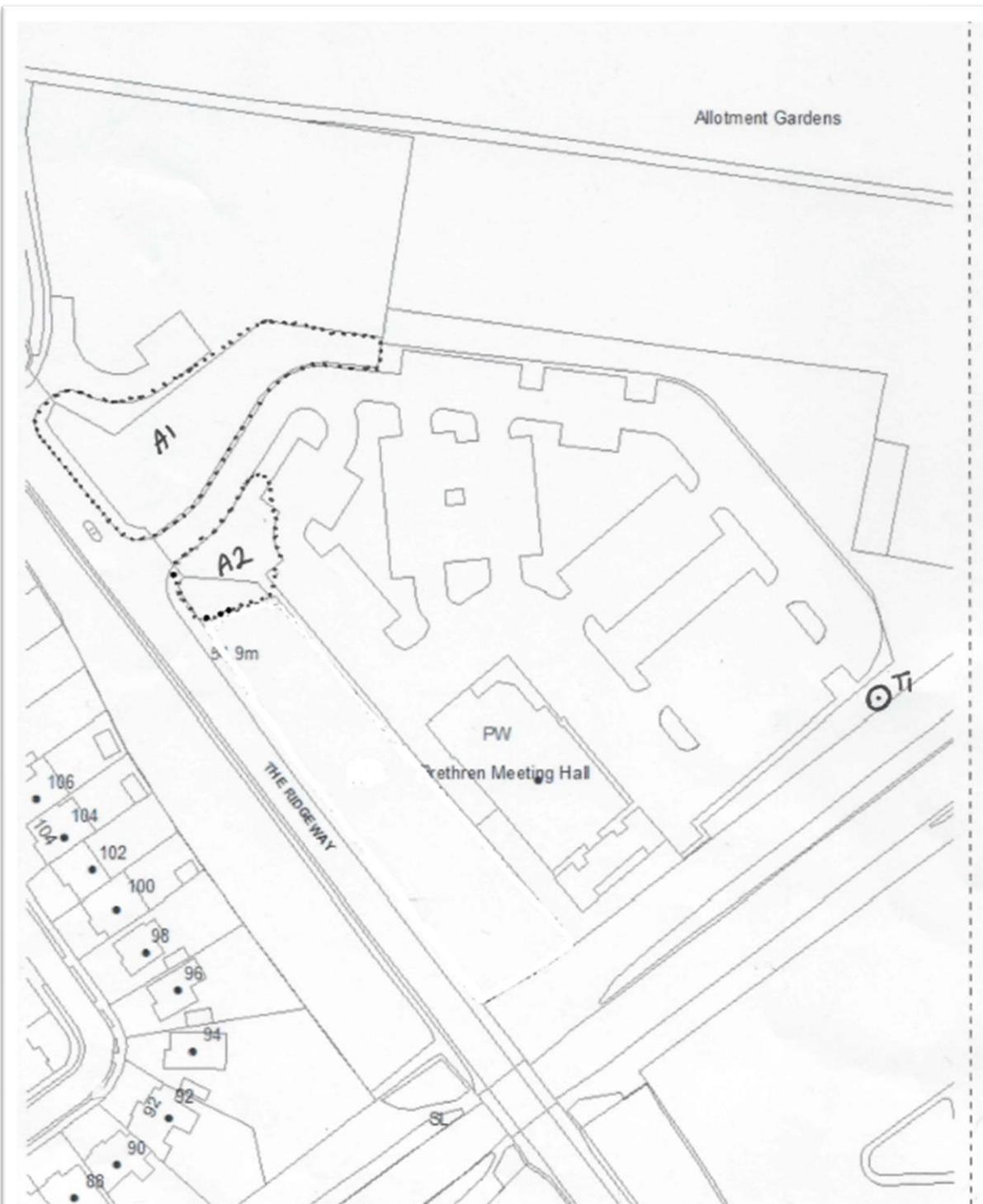
Reference on Map	Description	Situation
	NONE	

WOODLANDS

(within a continuous black line on the map)

Reference on Map	Description	Situation
	NONE	

Appendix B - Proposed modified map and schedule – TPO 965 (with A3 excluded)



Town & Country Planning Act 1990
Map Referred to in TPO No. 965
The Ridgeway (No. 2) West Harrow
Tree Preservation Order 2021

Date: 29/10/2021
Scale: 1:875

Planning Services
Planning Regeneration & Enterprise
Harrow Council, PO Box 37, Civic Centre, Harrow

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TREES SPECIFIED BY REFERENCE TO AN AREA

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A1	Mixed species comprising mainly Ash, Field Maple, Holly, Hazel, Whitebeam within the area marked A1	NW boundary with The Ridgeway and bordering allotment entrance road
A2	Mixed species comprising mainly Ash, Maple, Hazel within the area marked A2	NW boundary with Ridgeway and bordering entrance road to the Brethren Meeting Hall

**GROUPS OF TREES**

(within a broken line on the map)

Reference on Map	Description	Situation
	NONE	

WOODLANDS

(within a continuous black line on the map)

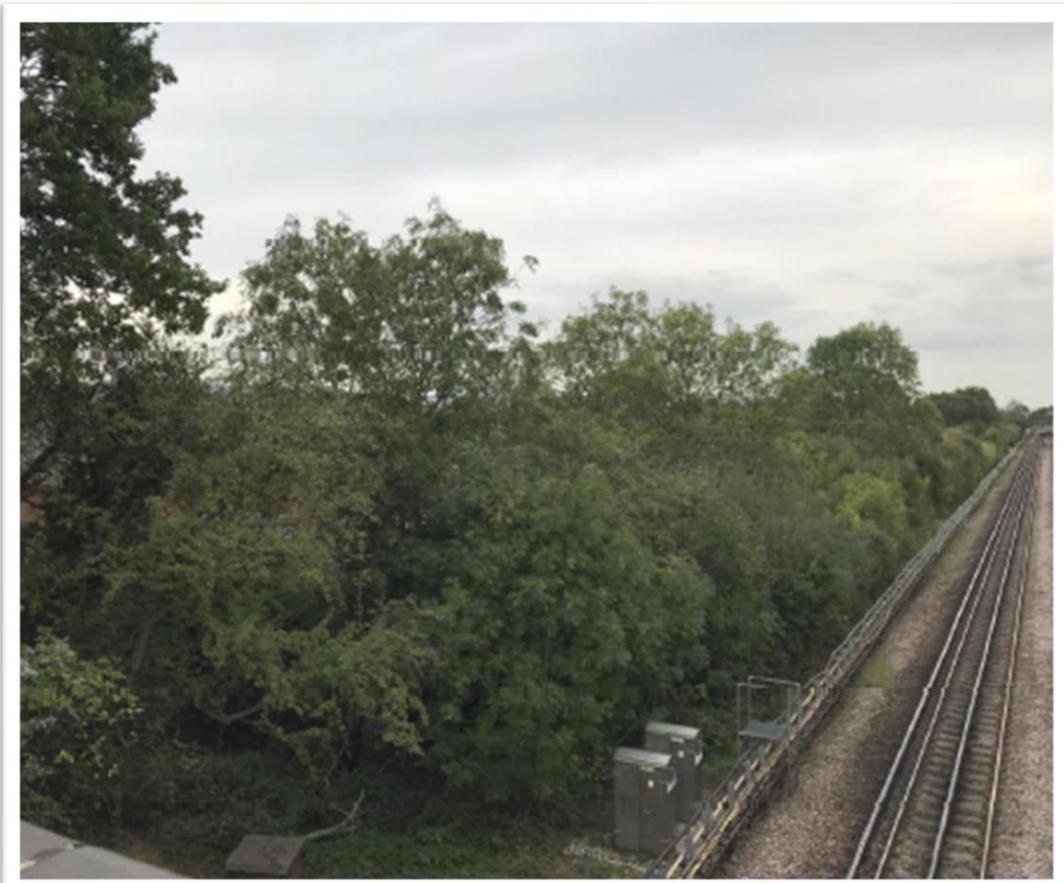
Reference on Map	Description	Situation
	NONE	

Appendix C - Site photographs

A1 as viewed from allotments, looking northwards



View from Ridgeway, looking south towards rail land. T1 Oak in background



Trees within A1, as viewed from entrance road (NW corner of church hall site)



Appendix D – full objection