

REPORT OF THE HEAD OF PLANNING AND REGENERATION

APPEALS AND REVIEW COMMITTEE 25th July 2022

Provisional Tree Preservation Order – The Pump House, Cotes Road, Barrow on Soar

1.0 Introduction

1.1 Background

Following a request for planning advice for the replacement of an existing pumphouse with a single residential dwelling (planning reference: P/21/2372/2) it was determined by The Council that the trees surrounding the building were at risk of removal and warranted protecting. A provisional Tree Preservation Order was made on 4th March 2022. An objection to the order was received from Guy Taylor Associates dated 1st April 2022. The objection challenges The Council to justify the TPO.

1.2 The Site

The Pump house Barrow is situated on the south side of Cotes Road to north west of Barrow Upon Soar. It is situated close to the River Soar to the west and adjacent to a public footpath, also to the west. The site is surrounded and screened by mostly native hedgerows and trees and includes a woodland block, dominated by aspen, in its eastern half. The provisional order identifies tree six groups to be protected as set out below.

1.3 Condition of the trees

The 6 tree groups were drawn up to exclude a large tree in the south west corner that was leaning severely and therefore considered unsafe and unsuitable for retention. The applicant has since approached The Council for permission to remove the tree and it is assumed that it has now been removed. An assessment of the 6 groups identified in the order is summarised below in table 1.

Table 1: TEMPO assessment results

| Criteria | Score | | | | | |
|----------------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| | G1 | G2 | G3 | G4 | G5 | G6 |
| <i>Condition</i> | 3 | 3 | 3 | 3 | 3 | 3 |
| <i>Remaining longevity</i> | 4 | 2 | 4 | 4 | 1 | 4 |
| <i>Relative visibility</i> | 2 | 2 | 4 | 2 | 4 | 4 |
| <i>Other factors</i> | 4 | 4 | 4 | 4 | 4 | 4 |
| <i>Expediency</i> | 3 | 3 | 3 | 3 | 3 | 3 |
| Total | 16 | 14 | 18 | 16 | 15 | 18 |

The TEMPO assessment method is not mandatory but is a widely used standard and objective method for assessing a tree's suitability for TPO. It is not a definitive tool for the assessment of the value of trees and should be used alongside professional judgement. Nonetheless, features with a score of 16 or more are considered to "definitely merit" a TPO, whilst a TPO is considered "defensible" for features scoring between 12-15 points. As shown in table 1 the scores for groups G1-G6 range between 14-18 points making a TPO at least defensible in all cases.

The site itself is located on the east bank of the River Soar and this helps to explain the landscape and amenity value of its trees. The River Soar has been identified, both by the Core Strategy and Draft Local Plan, as a strategic component of green infrastructure. Consequently its protection and enhancement are a

matter of local policy and a priority for the benefit of the general public. Tree cover along the River Soar is patchy and the Wolds landscape to the east has very limited tree cover. What is relatively unusual about this location is that there is high canopy tree cover on both sides of the river which create an attractive and secluded spot which can be experienced from footpaths near to both banks. Whilst undoubtedly the footpath on the east bank is the better used of the two and is a popular spot for local anglers it is clear that, despite poor maintenance in places, the footpath on the west bank (closest to the site) continues to be regularly used.

The trees protected by the recommended order contribute to the sheltered riparian character of the surrounding locality as described above, such that the protected trees may be considered to have value for nature conservation beyond what may be apparent from a consideration of the individual trees, groups, or even of the protected trees considered as a whole. The River Soar itself is a Local Wildlife Site and whilst nature conservation should be assessed as a secondary consideration with respect to making TPOs it does contribute to the value of the trees protected by this order.

2.0 The Objection to the Order

A single objection to the order was received from Guy Taylor Associates, on behalf of the owner, and dated 1st April 2022.

Five principal reasons were given for the objection:

- 1) Questioning the public benefit of the TPO
- 2) Questioning whether the trees had been properly assessed
- 3) Questioning the value and importance of the trees
- 4) Asserting that, in making the order, The Council has not considered the need for ongoing management
- 5) Asserting that there is no threat to the trees

The objection goes on to express the opinion that the Council has been heavy handed in making the order; and that the Council is unable to demonstrate the public benefit or value of the trees.

3.0 Response to the Objection

Considering the above points in turn:

- 1) The trees included in the order are mature and semi-mature mostly native trees that help to screen a defunct and unoccupied building in a rural setting. Whilst the trees included in the order do form part of a rural setting within the Soar Valley landscape, it is not considered necessary to demonstrate that they are exceptional examples within this rather broad context, or that they are “particularly better than any other seen from Coates Road” (*sic*) given their role in screening an otherwise unattractive building. Moreover, their presence contributes to the rural and sylvan character of their immediate surroundings. The public benefit of the order derives from the protection it affords to the trees included in it, which have amenity value, both within the context of the site and the wider context of the River Soar; a Local Wildlife Site and a strategic green infrastructure asset. The objection challenges The Council’s view that the protected trees represent a substantial area of woodland cover. However, this view follows from the observation that; collectively the trees comprise a continuous area of woodland cover which occupies the majority of the site, and that tree cover in the surrounding landscape, particularly on the eastern side of the River Soar is sparse.
- 2) The Order was made following a site visit, including an assessment of the trees included in the order. Whilst the use of the TEMPO assessment is not mandatory it does provide a widely used methodology for assessing trees and, as has been the case here, is used by officers of the Council in conjunction with professional judgement to assess trees considered to be threatened with removal. The information

presented above and in section 1 shows that the order has been made following a structured and consistent assessment.

- 3) The Council's assessment of the value of the trees is presented above and in section 1.3 of this report.
- 4) The objection that the trees will need management in future can be refuted on the basis that pruning, trimming or even removal and replacement can form part of normal arboricultural practice. TPOs do not prevent ongoing management, although TPOs can help to ensure that management of protected trees is carried out sensitively and to a professional standard. Indeed: the "Condition" score (see table 1) for all 6 groups indicates "fair" condition, which assumes that the trees have defects and may require future management.
- 5) The objector asserts that there is no threat to the trees. However, The Council has no means of establishing the reliability such assertions, either at the point of making TPOs, or in the future. The Council is aware of intentions to develop the site and has considerable experience of trees being removed from potential development sites, as preparation for development. Having received a pre-application enquiry for the sites The Council was obliged to make the applicant aware that the trees presented a constraint to development, which would have increased the risk to the trees had the order not been made. The pre-application enquiry sets out the applicant's intention to construct a single dwelling. Given the extent of tree cover surrounding the existing building, it was considered that some tree removal would be necessary, or at least highly desirable in order to create an acceptable or attractive dwelling. This factor was considered to further increase the risk to the trees.

4.0 Proposed TPO

It is recommended that the order be confirmed in full. It is accepted and welcomed that the applicant has made a pre-application advice request in good faith. The applicant will hopefully be reassured that the order does not represent an objection to any future planning application for the site and should also take comfort from the fact that, were planning permission granted for the site, this would include automatic permission to carry out any tree works necessary to implement it. As well as the immediate protection it affords, The Council anticipates that the Order will help to ensure the sensitive design of any future planning proposals and the mitigation of adverse impacts to the protected trees that might arise from them.

Appendix 1: Site Photographs

- 1) View from the west showing (from left to right groups G3, G4, G5 and G6), and the location of the footpath on the right



- 2) View from the east showing (from left to right) groups G1 and G2



3) Aerial view of the site and its surroundings, with the Pump House marked in red.

