

PLANNING COMMITTEE – 12TH DECEMBER 2023

**CONFIRMATION OF TREE PRESERVATION ORDER REF. TPO/0018/2023 – LAND AT MIDHOPE
CLOSE WOKING SURREY**

Executive Summary

The purpose of this report is to recommend to the Committee that a Tree Preservation Order be confirmed following the receipt of one letter of objection to the making of the Order. The Tree Preservation Order protects four trees including one Lime and three False Acacia on Land at Midhope Close, Woking Surrey

Recommendations

The Committee is requested to:

RESOLVE that Tree Preservation Order Ref. TPO/0018/2023 be confirmed without modification

This Committee has authority to determine the above recommendations.

Background Papers:

Plan from Tree Preservation Order showing location of the trees.

Letters of objection:

Richard Shearer (Chairman for Midhope Close Flats Management Company Ltd)

Reporting Officer:

Thomas James

Ext. (74)3435, E Mail: Thomas.james@woking.gov.uk

Contact Officer:

Dave Frye, Arboricultural Officer

Ext. (74)3749, E Mail dave.frye@woking.gov.uk

1. Introduction

A Tree Preservation Order was made on 15th August 2023 to three False Acacia and one Lime tree on Land at Midhope Close, Woking Surrey. **Appendix 1**

- 1.1. The plan showing the site location is shown in **Appendix 2**.
- 1.2. One objection was received to the making of the Tree Preservation Order. This is show in **Appendix 3**.
- 1.3. Notwithstanding the objection received to the making of the Tree Preservation Order, the recommendation is that it be confirmed without modification.

2. Background Information

- 2.1. The area of Midhope Close is residential with a mixture of flats and housing. The area is accessible to the public with pavement and road access. **Appendix 2**.
- 2.2. On the 23rd June 2023 the council received a planning application for the alterations to existing car park including alterations to access, creation of 5No additional parking spaces and a new bin and cycle store. REF: PLAN/2023/0501
- 2.3. During the consultation process of planning applications, the councils tree officer are advised that a proposal has been submitted. A site visit is then undertaken to assess the likely impact the development may have on trees. If it is felt that trees may be affected by the proposed an assessment is undertaken to determine if the loss of those trees would be of detriment to the character of the area. If it is determined that there would be a negative result from tree loss then a TPO may be issued.
- 2.4. The trees sit in the middle of the current car park and the planning application seeks to remove these trees to make way for further parking. Given the foreseeable threat to the trees as a result of development a TPO was issued.

3. Letters of objection

- 3.1. One letter of objection was received by the Council on the 11th September 2023 from Richard Shearer acting on behalf of Midhope Close Flats Management Company Limited. **Appendix 3**.
- 3.2. Grounds for objection –
- 3.3. The objection has identified that the trees will require removal as part of the planning application.
- 3.4. Point 8 of the objection states that the “trees have proved to be the wrong trees in the wrong place”. Cars parked below the trees end up covered in sap from the trees which has caused a nuisance to flat residents.
- 3.5. The objection states that arboricultural advice has been sought which has noted that the trees are not worth preserving. It identifies that the Robina is “not regarded as a high grade species” and that the Robina are not in good condition.
- 3.6. Point 10 of the objection has stated that there is a requirement under the deeds of the site that the estate should be managed for the benefit of residents. The planning application that has been submitted is seen as optimising the land available to residents as a net improvement.

4. The Tree Officer's response to the objections received is as follows:

- 4.1. The objection has outlined that there is a need to increase the available parking within the grounds of the Midhope Estate and that in order to provide more parking the removal of the 4 trees subject to this TPO is required. Any part of the objection which refers to the planning application or any of the requirements for further parking is to be assessed by the planning officer. Where trees are potentially affected by development the planning officer will consult the tree officer for comments.
- 4.2. The seasonal issues associated with trees such as leaf fall, falling detritus or sap falling on to cars is not considered to be an appropriate reason to remove protected trees. Whilst the council understands the problems associated with these issues, suitable management can help to alleviate the nuisance caused.
- 4.3. The objection has said that arboricultural advice has been sought, however this has not been submitted to the council as part of the objection. The Robina trees are not considered to be a low grade species. TPOs do not distinguish between species of trees as to whether a TPO should be issued.
- 4.4. Mitigation has been discussed throughout the objection, however, replacement trees will take many years before they have the same value as the trees currently in situ. Therefore the TPO will ensure that mature trees are retained.
- 4.5. The making of a TPO on trees occurs when trees are under threat of removal and when they make a contribution to the character of the area. Both of these factors have been identified, therefore, the council has carried out a TEMPO assessment (**Appendix 4**) which has concluded that a TPO is required as it finds that a TPO is merited. As identified within the TEMPO guidance notes a definitely merits TPO is "trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise".

5. Implications

5.1. Financial

5.1.1. None

5.2. Human Resource/Training and Development

5.2.1. None

5.3. Environmental/Sustainability

5.3.1. None

6. Conclusions

Given the trees high public amenity value and the threat from removal and or damage, protection of the trees is considered appropriate and it is recommended that the Tree Preservation Order be confirmed without modification.

REPORT ENDS



Woking Borough Council

Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

TOWN AND COUNTRY PLANNING (Tree Preservation) (England) Regulations 2012

TREE PRESERVATION ORDER

Town and Country Planning Act 1990

The Land at Midhope Close Woking Surrey (TPO/0018/2023)

The Woking Borough Council, in exercise of the powers conferred on them by section of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the Land at Midhope Close Woking Surrey (TPO/0018/2023).

Interpretation

2.

1. In this Order “the authority” means the Woking Borough 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, 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



INVESTOR IN PEOPLE

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.

Arboricultural Officer Signature

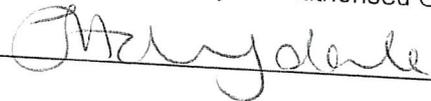
Signed:  _____

Printed: _____ JAMES VANTS

Date: 15/08/23

Authorised Officer Signature:

I endorse the action taken by the Authorised Officer.

Signed:  _____

Printed: JOANNE HOLLINGDALE

Date: 15.08.2023

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
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Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
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Groups of trees

(within a broken black line on the map)

Reference on map	Description	Situation
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G1	Mixed hardwoods trees	4 x trees consisting of 3 False Acacia and 1 Lime
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Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
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Land at Midhope Close



Group Order 1 x Lime 3 x Acacia

G1

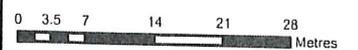
[Handwritten signature]
15/8/23

Comments

TREE/0018/2023



SCALE 1:750



Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

CERTIFICATE OF SERVICE

TPO Ref No:

TPO/0018/2023 (Land at Land Opposite 15 To 28 27 To 32 33 To 41 , Midhope Close, Woking, Surrey, GU22 7UF, , TREE PRESERVATION ORDER)

Description Land at Midhope Close Woking Surrey
Location Land Opposite 15 To 28 27 To 32 33 To 41
Midhope Close
Woking
Surrey
GU22 7UF

I certify that at approximately 3:30pm on 15/8/23, I delivered to the following persons, a copy of the above Tree Preservation Order and "Regulation 5" letter dated 15 August 2023.

Name	Address
Owner/ occupier	37 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	36 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	31 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	30 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	25 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	24 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	19 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	18 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	6 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	3 Midhope Close Woking Surrey GU22 7UF
Owner/	5 Midhope Close Woking Surrey GU22 7UF



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occupier	
Owner/ occupier	60 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	58 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	56 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	54 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	52 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	50 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	41 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	40 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	39 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	38 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	35 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	34 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	33 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	32 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	29 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	28 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	27 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	26 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	23 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	22 Midhope Close Woking Surrey GU22 7UF

occupier
Owner/
occupier 21 Midhope Close Woking Surrey GU22 7UF
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occupier 8 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 7 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 2 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 1 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 4 Midhope Close Woking Surrey GU22 7UF

Signed:

Name:

Position:

Date: 15 August 2023



JAMES WATTS

SNR ARTS OFFICER

Appendix 2 – Site Plan (Red area indicates location of protected trees)



Appendix 3 – Letter of Objection

To: The Planning Officer, Woking Borough Council

1. I write on behalf of Midhope Close Flats Management Company Limited (MCFMCL) to comment on TPO/0018/2023 issued on 15 August 2023 in respect of 4 trees on our forecourts. There has not previously been a TPO on these 4 trees.
2. Midhope Close Flats is a mid-market residential estate of 27 flats, built in 1970, at GU22 7UF in Mount Hermon Ward (but outside the Mount Hermon Conservation Area). Collectively the 27 flat-owners own the freehold and self-manage the estate via MCFMCL.
3. MCFMCL has approved and initiated a small project to reconfigure the two forecourts at the front of our flats to increase the parking-spaces from 22 at present to 27. The project has been submitted for planning approval under reference PLAN/2023/0501.
4. The reconfiguration will enable each flat to have one usable parking-space for its exclusive use. This will have significant benefit to flat residents and to communal harmony. It will also have neighbourhood benefit in that there will be less need for flat residents to park on the nearby public roads, thereby reducing the parking pressure in the immediate Midhope area, which is densely populated and densely parked. For this reason our project has been welcomed by some of our long-time neighbours.
5. The reconfiguration will be achieved by tarmacing over the small grass patch that currently separates the two forecourts. The current two entrances to the forecourts will be reconfigured to a single entrance.
6. It will be necessary to remove the four trees (1 lime, 3 robinia) that are currently located on the grass patch. It is intended that replacement trees will be planted alongside the new entrance. Additionally there will be new hedging (in place of the current two entrances and also on the north side of the forecourts) and new shrubs (at the south-east corner of the forecourts).
7. The four trees to be replaced are not of long standing. The 3 robinia were planted from saplings some 12-15 years ago on the then-unused patch of grass to provide an ornamental benefit. The lime was then in place, but had been stunted up till then by some leylandii, which were removed. The four trees provide some colour in summer, but are starkly bare in winter. Normally we keep the trees well cut back, because we don't want branches breaking off in high winds and damaging cars parked underneath or the flat buildings. Currently the trees are much taller and the branches more expansive than we normally allow. Since we have been planning to remove the trees, there was no point in incurring the cost of getting them cut back. The last cut-back was in 2019, so at present - unusually - the trees have 4 years of growth.

8. However, the trees have proved to be the wrong trees in the wrong place. The problem is that the trees drop sap. Cars parked underneath the branches get sticky and end up covered in dust and dirt, which solidifies as the stickiness hardens. Understandably, this causes annoyance to flat residents. So, even if we were not doing the reconfiguration, we would be removing the trees.

9. The arboricultural advice we have is that the trees are not worth preserving. In particular, robinia is not regarded as a high-grade species and our three are not in the best of condition. We can do better with new trees.

10. We are a residential estate. We have some 56 people living here currently. We manage the estate for the benefit of residents. Not least, this is a requirement of our title deeds under property law. Providing adequate parking, so that residents can come and go and lead their lives as they wish, is a fundamental part of managing the estate. Our reconfiguration project is a further step in managing the forecourts and utilising our limited land optimally, and we see the consequential re-organisation of the forecourt trees as a net improvement.

11. We have many trees on our estate, particularly on our boundary-lines along Midhope Road and Guildford Road. We use a reputable business of qualified arborists to properly manage our trees, as we will do with the planned new trees in the forecourts.

12. For the above reasons, we object to the proposed TPO/0018/2023 and we request WBC not to confirm it. We take the view that the planned reorganisation of our forecourt trees should be considered in the round as part of the planning application.

If you need further information from us, please contact me.

Richard Shearer
Chairman, for Midhope Close Flats Management Company Limited
37 Midhope Close
Woking
GU22 7UF

APPENDIX 4

TEMPO ASSESSMENT	
Date: 15/8/23	Surveyor: DF
Tree Details: Group of Lime and Robinia	
Part 1: Amenity assessment	
a) Condition & suitability for TPO	SCORE
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	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	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	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	1
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	5
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	16
Decision	Definitely Merits TPO
Further Information:	
Planning application has been submitted showing removal	