

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (TREE PRESERVATION ORDERS)
(ENGLAND) REGULATIONS 2012

OBJECTION ON BEHALF OF

PHIL HOBBS
RADHARC NA MARA, TOURNAHOON, DOOLIN
COUNTY CLARE, IRELAND

TO THE MAKING OF

THE CHESHIRE EAST BOROUGH COUNCIL
(KNUTSFORD - 2 GRASSFIELD WAY)
TREE PRESERVATION ORDER 2020

OUR REFERENCE: CW/10142-OBJ-1

DATE: 9 September 2020

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1. INTRODUCTION

- 1.1** This representation has been prepared by Glyn Thomas, Senior Arboricultural Consultant with Cheshire Woodlands Limited, on behalf of Phil Hobbs, executor to the estate of the former owner of the property affected by the Cheshire East Borough Council (Knutsford – 2 Grassfield Way) Tree Preservation Order (the Order).
- 1.2** The representation is submitted under the provisions of Section 199(3)(b) of the Town and Country Planning Act 1990, and Regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

2. BACKGROUND

- 2.1** Phil Hobbs is the executor to the estate of the former owner of 2 Grassfield Way, Knutsford (the Property), which is currently for sale.
- 2.2** Planning application 20/2894M (the Application) – seeking permission for demolition of the existing garage and store, and erection of a two-storey side extension and single-storey front and rear extensions - was submitted to the Local Planning Authority (LPA) on 9 July 2020 by a prospective purchaser of the Property. The Application is still to be determined.
- 2.3** The Order was made and served by Cheshire East Borough Council on 14 August 2020. For the purpose of this representation, I have assumed that the Order was properly served.

3. THE ORDER

- 3.1** The First Schedule of the Order identifies an individually specified oak tree T1 (the Tree) situated 'at 2 Grassfield Way on the junction with Summers Way'.
- 3.2** The 1:500 scale map included with The Order identifies the location of the Tree within a black circle.
- 3.3** The Regulation 5 Notice served with the Order lists the following reasons for making the Order:
- a) 'In the interests of maintaining the area in which the tree stands, in that it is considered to be a long term amenity feature.'
 - b) 'Such amenities are enjoyed by the public at large and without the protection an Order affords there is a risk of the amenity being destroyed.'
 - c) The tree has been assessed in accordance with the Council's Amenity Evaluation Checklist and it is considered expedient to make provision for its long term retention.'

- d) 'The tree is of historic importance in that it is located on the 1975 Ordnance Survey map of the area.'

4. MY ASSESSMENT OF THE TREE

- 4.1** I visited the Property on 2 September 2020, surveyed the Tree and assessed its amenity value and its visual contribution to the surrounding area. My survey data are set out in the Tree Survey Schedule at Appendix 1 (the Schedule), which includes a Guidance Note describing the basis for my assessments of 'visual prominence and tree categorisation'.
- 4.2** The Tree stands at the front of the Property, at the junction of Grassfield Way and Summers Way, and is visible from surrounding properties and sections of public highway to the north, south and east. In visual terms it contributes to the character and appearance of the Property, its immediate surroundings, and the local neighbourhood.
- 4.3** I do not consider the Tree to have 'exceptional landscape value'.
- 4.4** The Tree's visual contribution is limited to the local neighbourhood and it is not of sufficient visual significance to contribute at a wider conurbation level.

5. THE COUNCIL'S ASSESSMENT OF THE TREE

- 5.1** The Council's assessment of the Tree is included in the Amenity Evaluation checklist at Appendix 2.
- 5.2** The following points are relevant to this representation:
- The Tree's 'landscape function' is predominantly 'road frontage'. It is not a 'landmark tree', nor does it contribute in any significant way as a 'backdrop' to, or in 'glimpses between' existing properties.
 - In terms of its 'visual prominence' the Tree has no particular significance at a 'conurbation' level.
 - That the Tree is included on a 1975 Ordnance Survey map of the area is not evidence of 'historical importance'. That it is more than 45 years old could not be said to confer any significant additional amenity benefits.

6. OBJECTION

- 6.1** Phil Hobbs, executor to the estate of the former owner of the Property, objects to the Order on the following grounds:
- Aspects of the Council's assessment of the Tree – as set out in their Amenity Evaluation Checklist – overstate its visual and historical importance.

- The basis for the Council's conclusion that making the Order is 'expedient in the circumstances' is therefore questionable.
- Two of the Council's reasons for making the Order (c and d) are not fully justified.

6.2 Phil Hobbs requests that the Order is not confirmed.

6.3 We request that the Council takes into account the objections contained herein when deciding whether or not to confirm the Order and when giving weight to the Order in relation to current and future planning applications, appeals and negotiations.

6.4 The representations, objections and opinions, actual or implied, contained herein are given without prejudice to any future interest, of any party, in the land affected by The Order.



Glyn Thomas
Cheshire Woodlands Limited

On behalf of Phil Hobbs

Appendices:

Appendix 1 – Tree Survey Schedule CW/10142-SS and Guidance Note - Visual Prominence and Tree Categorisation

Appendix 2 - Amenity Evaluation Checklist

APPENDIX 1

TREE SURVEY SCHEDULE



PROJECT: 2 GRASSFIELD WAY, KNUITSFORD
CLIENT: PHIL HOBBS
REF: 10142-SS

SURVEYED BY: G THOMAS
DATE: 2 SEPTEMBER 2020
PAGE: 1

REVISIONS:

No.	Species	Age Range	Height (m)	Crown Spread (m)	Stem Dia. (mm)	Vitality	Comments	Management	Visual Prominence	Retention Category
T1	Oak	M	11	10	890	N	<ul style="list-style-type: none"> First main branch at 1.5m Ground clearance of between 1 and 3m Low ground clearance to highway footway Ivy colonising stem and first-order branches Low vigour Minor peripheral shoot/twig dieback in crown 	<ul style="list-style-type: none"> No work currently required 	3	A

This survey has been commissioned for the sole purpose of collecting data to inform the design of a development project in relation to trees. Whilst this is not a tree safety inspection record, the surveyor may record obvious defects when they are observed and considered to be significant to safety. Unless otherwise agreed, data in this schedule are time limited to one year, after which they should be reviewed.

HEADINGS & ABBREVIATIONS

Age Range Y = young SM = semi-mature EM = early-mature M = mature PM = post-mature V = veteran
Stem Dia Stem diameter (measured in accordance with Figure C.1 of BS5837: 2012) (MS = multi-stemmed EST = estimated)
Crown Spread Maximum crown spread (EST = estimated)
Vitality A measure of physiological condition. N = normal range for the species and age R = reduced, P = poor, MD = moribund, D = dead
Visual Prominence Broad indication of prominence in the landscape (1 = low up to 4 = very high) (G = contributes to a wider group)
Retention Category Broadly in accordance with Table 1 of BS5837: 2012 (considers the merits of the tree or group in the context of the existing land-use)
Common Plant names Only common names are used in this schedule. For scientific names refer to Mitchell, A. 2001. *Collins Field Guide – Trees of Britain & Northern Europe*. Harper Collins, London. pp. 420.

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Guidance Note - Visual Prominence and Tree Categorisation

Visual Prominence

A broad indication of visual contribution to the landscape. The evaluation considers:

- location
- public views
- landscape function
- tree size
- growth potential
- useful life expectancy

Visual prominence values are classified as follows:

- (1)** Low - visual contribution restricted to the site
- (2)** Moderate - visual contribution to the site and immediate surroundings
- (3)** High - visual contribution to the site, immediate surroundings and neighbourhood, estate or locale
- (4)** Very high - visual contribution to a conurbation, or trees of exceptional landscape value

Groups of trees are assessed as a single unit.

Tree Categorisation

Broadly in accordance with section 4.5 and Table 1 of British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Trees or groups of trees are evaluated twice. Firstly, they are assessed and categorised in the pre-development context to provide a broad valuation of all of their attributes and their contribution to the amenity of the area. Secondly, they are similarly assessed and categorised in the context of a development proposal. The evaluations consider:

- useful life expectancy
- visual prominence (see above)
- landscape function
- numbers of other trees and their maturity (continuity for landscape, amenity, habitat)
- wildlife habitats (including continuity)
- safety
- conflicts with the built environment or other land-use
- cultural, historical or other value

Groups of trees are assessed and categorised as a single unit.

Pre-Development assessment

The tree or group of trees is assessed and placed into one of the following categories (A, B, C or U)

The valuation considers the benefits and disbenefits of retaining the tree or group of trees in the pre-development context

Any specific issues are noted in the tree survey schedule

(A) High quality - Trees the retention of which is most desirable and that have an estimated useful life expectancy of at least 40 years

Wholly appropriate and without significant conflict

(B) Moderate quality - Trees the retention of which is desirable and that have an estimated useful life expectancy of at least 20 years

Appropriate but not of highest value

(C) Low quality - Trees that could be retained and have an estimated useful life expectancy of at least 10 years

Ill-suited but could be retained with moderate conflicts

Trees of no particular merit

(U) Trees unsuitable for retention

Could not reasonably be retained for longer than 10 years

Post-Development assessment

The tree or group of trees is assessed and placed in one of the following categories (A, B, C or U)

The valuation considers the benefits and disbenefits of retaining the tree or group of trees in the context of a development proposal

Any specific issues are noted in the tree survey schedule.

(A) High quality - Trees the retention of which is most desirable and that have an estimated useful life expectancy of at least 40 years

Wholly appropriate and without significant conflict

(B) Moderate quality - Trees the retention of which is desirable and that have an estimated useful life expectancy of at least 20 years

Appropriate but not of highest value and/or having only minor conflicts

(C) Low quality - Trees which could be retained and have an estimated useful life expectancy of at least 10 years

Ill-suited but could be retained with moderate conflicts

Trees of no particular merit

(U) Trees for removal

Would need to be removed to accommodate the development proposal, or could not reasonably be retained for longer than 10 years

APPENDIX 2

Amenity Evaluation Checklist

Completed by:

E HOOD

Date form
completed:

17/07/2020

Form status:

Completed

Reference

18-077

Attachments

Address

2 GRASSFIELD WAY

Town

KNUTSFORD

Postcode

WA16 9AF

Ward:

Knutsford

1. BACKGROUND FILE CHECK:

Any existing TPOs on or adjacent to the
site/land?

No

Is the site within a conservation area?

No

Is the conservation area designated partly
because of the importance of trees?

N/A

Is the site adjacent to a Conservation Area?

No

Are there any Listed Buildings on or adjacent
to the site?

No

Local Plan land-use designation

Predominantly residential

Are there currently and designated nature
conservation interests on or adjacent to the
site?Active birds nest identified in tree, which also has confirmed
bat roost potential.Relevant site planning history (incl. current
applications)20/2894M - demolition of existing garage and store, proposed
two storey side extension, proposed single storey front and
rear extension, render to existing, re roof existing - not yet
determined

STATUTORY CONSULTEES

Are there any Scheduled Ancient Monuments
on or adjacent to the site?

No


Is the land currently safeguarded under the
Town & Country Planning (Aerodromes &
Technical Sites) Direction 1992?

No

Does the Forestry Commission currently have

No

an interest in the land?	
Grant scheme	<input type="checkbox"/>
Forestry Dedication Covenant	<input type="checkbox"/>
Extant Felling Licence	<input type="checkbox"/>
Are any of the trees situated on Crown Land?	<input type="text" value="No"/>
Are any of the trees situated on NHS land?	<input type="text" value="No"/>
Is the land owned by this Local Authority	<input type="text" value="No"/>
Is the land owned by another Local Authority	<input type="text" value="No"/>
2. MOTIVATION	
Development Control	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Application Ref 	<input type="text" value="20/2894M"/>
<ul style="list-style-type: none"> Committee deadline 	<input type="text"/>
<ul style="list-style-type: none"> Development Control Office comments 	<input type="text"/>
Conservation Area Notification	<input type="checkbox"/>
Application ref	<input type="text"/>
Date of registration	<input type="text"/>
Expiry date	<input type="text"/>
Emergency action (immediate threat to the trees)	<input type="checkbox"/>
Strategic inspection	<input type="checkbox"/>
Change to Local Plan land-use	<input type="checkbox"/>
Change in TPO legislation	<input type="checkbox"/>
Sale of Council owned land	<input type="checkbox"/>
Reviewing existing TPO	<input type="checkbox"/>
Hedgerow Regulations 1997	<input type="checkbox"/>
3. SOURCE	
Source	<input type="text" value="Public"/>
4. LANDSCAPE APPRAISAL	
Site visit date	<input type="text" value="20/11/2019"/>
Inspecting Officer	<input type="text" value="E HOOD"/>
Site description	

	<p>The tree is located within the domestic garden area of a residential property on a residential estate to the south of Knutsford. The mature Oak is sited within a corner plot on a junction and is a prominent feature of the locality and makes an important contribution to the landscape character of the area.</p>
Description of surrounding landscape character	<p>The tree is sited on the corner of Grassfield Way and Summers Way - 2 Grassfield Way to the north, the garden area of a residential property on Summers Way immediately to the east, Summers Way to the south and Grassfield Way to the west</p>
Statement of where the trees are visible from	<p>Summers Way, Grassfield Way. junction of Lowland Way with Grassfield Way, junction of Summers Close with Summers Way, with filtered views between properties</p> <p>annotate map</p>
Photograph the trees, the site and surroundings	<p> No picture inserted</p> <p>annotate map</p>
Landscape function	<p><input checked="" type="checkbox"/> Landmark trees</p> <p><input checked="" type="checkbox"/> Road frontage (classified)</p> <p><input checked="" type="checkbox"/> Backdrop</p> <p><input checked="" type="checkbox"/> Glimpses between properties or through gateways</p>
Visual prominence	<p><input checked="" type="checkbox"/> Conurbation</p> <p><input checked="" type="checkbox"/> Neighbourhood, estate, locale</p> <p><input checked="" type="checkbox"/> Site and immediate surroundings</p>
Species suitability for the site	<input type="text" value="Particularly suitable"/>
Condition	<input type="text" value="Good"/>
Past work consistent with prudent arboricultural management?	<input type="text" value="Yes"/>
Are past works likely to have compromised long term retention?	<input type="text" value="No"/>
Will past work necessitate any particular future management requirements?	<p>Evidence of past pruning is evident to maintain clearance of the canopy over the southern side garage extension of the property .</p>
Tree size (at maturity)	<input type="text" value="Medium (between 8m and 15m)"/>
Presence of other trees	<input type="text" value="Low percentage tree cover"/>

Define visual area/reference points

BENEFITS

Are the benefits current?

Yes

Assessment of future benefits
(future growth potential;
continuity/sustainability of tree cover;
development)

The tree presents both current and future growth potential
and can be managed in its present condition

Assessment of importance as a wildlife habitat

The tree has the potential to support nesting birds

Additional factors

☒ Historical associations

5. EXEMPTIONS (TCPA 1990)

Are any of the trees obviously dead, dying or
dangerous

No

Are there any statutory obligations which
might apply?
(consider: Highways Act 1980, Electricity Act
1989, Civil Aviation Act 1982)

No

Is there any obvious evidence that the trees
are currently causing any actionable
nuisance?

No

Based on the trees in their current locations,
is the likelihood of future actionable nuisance
reasonably foreseeable?

No

Is there any Forestry Commission interest in
the land?

No

6. EXEMPTIONS (MODEL ORDER):

Are there any extant planning approvals on
the site which might compromise retention of
the trees?

No

Are there any lapsed planning approvals
which might have compromised the trees?

No

Are any of the trees obviously cultivated for
commercial fruit production?

No

Are any of the trees situated on or adjacent to
a statutory undertaker's operational land?

No

Are any of the trees situated on or adjacent to
land in which the Environment Agency has an

No

interest?

7. COMPENSATION:

Do any of trees currently show any obvious signs of causing damage?

☐

If Yes provide details

Based on the trees in their current locations, is the risk of future damage reasonably foreseeable?

☒

If yes provide details

Approximately 6 meters from existing single storey garage structure

Are there any reasonable steps that could be taken to avert the possibility of future damage or to mitigate its extent?

Yes

If yes provide details

Any proposed construction could be designed with the rooting area and future growth potential of the tree in mind. Occasional remedial pruning is likely to maintain acceptable clearance for structures.

8. HEDGEROW TREES:

Individual standard trees within a hedge

No

An old hedge which has become a line of trees of reasonable height

No

Are the "trees" subject to hedgerow management?

No

Assessment of past hedgerow management

Assessment of future management requirements

9. MANAGEMENT:

Are the trees currently under good arboricultural or silvicultural management

Yes

Is an order justified?

Yes

Justification (if required)

To provide protection to ensure the long term retention and management of a high amenity tree in accordance with best practice recommendations

10. DESIGNATIONS:

a. Individual

Do the trees merit protection as individual specimens in their own right?

Yes

b. Group

Does the overall impact and quality of the trees merit a group designation?	<input type="text" value="No"/>
Would the trees reasonably be managed in the future as a group?	<input type="text" value="No"/>
c. Area	
Area	
d. Woodland	
Woodland	
11. MAP INFORMATION:	
Identify the parcel of land on which the trees are situated. (Outline in red on the attached location plan)	<input type="checkbox"/>
Identify all parcels of land which have a common boundary with the parcel concerned (Outline in green on the attached plan)	<input type="checkbox"/>
Identify all parcels of land over which the physical presence of the trees is situated, or that they could reasonably be expected to cover during their lifetime (Cross hatch on the plan)	<input type="checkbox"/>
12. LAND OWNERSHIP:	
Land ownership details (if known)	See persons served with Order
Land Registry search required?	<input checked="" type="checkbox"/>
13. SUPPLEMENTARY INFORMATION:	
Has a detailed on-site inspection been carried out?	<input type="text" value="Yes"/>
Does the risk of felling justify making an order prior to carrying out a detailed on-site inspection	<input type="text" value="No"/>
Provide details of trees to be excluded	A semi-mature Lime is located to the rear eastern boundary of the site however the proximity and growth habit of the tree is considered unsustainable in the long term and it is not considered appropriate for formal protection.
Additional publicity required?	<input type="checkbox"/>
Relevant Local Plan policies	

Cheshire East Local Plan

SE5 Trees, hedgerows and woodlands

Statement of reasons for promoting this Order

In the interests of maintaining the area in which the tree stands, in that it is considered to be a long term amenity feature

Such amenities are enjoyed by the public at large and without the protection an Order affords there is a risk of the amenity being destroyed

The tree has been assessed in accordance with the Councils Amenity Evaluation Checklist and it is considered expedient to make provision for its long term retention

The tree is of historic importance in that it is located on the 1975 Ordnance Survey Map of the area

14. SUMMARY:

Would loss of the trees have a significant impact on the local environment?

Yes

Will a reasonable degree of public benefit accrue?

Yes

Is an Order in the interests of amenity?

Yes

Is an Order expedient in the circumstances?

Yes