

5.2 Objection to Tree Preservation Order number 4 of 2016

Located at Fort Halstead and adjacent wooded areas

ITEM FOR DECISION

This item has been referred to the Development Control Committee as an objection as well as a letter of support have been received following the serving of a tree preservation order.

RECOMMENDATION

That the Tree Preservation Order No 4 of 2016 be confirmed without amendment.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 4 of 2016 relates to an area that protects mixed species woodland throughout the grounds of Fort Halstead as well as the surrounding residential estate. The perimeter woodland areas are designated as Ancient & Semi-Natural Woodland. The inner areas of the Fort and the housing estate are generally sporadic and spread out individual specimens.
- 2 TPO 4 of 2016 was served following a report by a concerned resident that the felling of mature healthy specimens was being carried out. The felling of mature trees has been confirmed as located outside of the Fort perimeter and adjacent to a site within Armstrong Close.

Representations

Against the TPO

- 3 An objection to the serving of this order has been received from DJB Law with an attached letter from David Jones Bould, real estate law specialists. They are the solicitors for Defence Science and Technology Laboratory (Dstl).
- 4 The DJB Law objections states that; “Dstl is an Executive Agency of HM Government, and is sponsored by the Ministry of Defence. The Agency is charged with ensuring that innovative science and technology contribute to the defence and security of the U.K. As an Executive Agency of the Ministry of Defence, Dstl is always mindful of the need to adopt the highest standard of compliance with all regulatory requirements (including planning requirements) and at all material times during its occupation of Fort Halstead, has sought to do so. We understand that a developer carrying out residential development on land adjacent to (but outside) the Dstl estate, has undertaken works to trees on its land.” The objection goes on to state that as an adjacent adjoining owner the TPO should be aimed at the land of the developer and not Dstl, who have requested that this order if it is to be confirmed, that the Dstl land be omitted from the order.
- 5 An objection has also been received from CBRE on behalf of their client Armstrong (Kent) LLP (AKLLP). It is clear from the recent planning application that the bulk of the important trees on site are shown to be

retained. This is especially so with regards to the Ancient woodland that is located around the perimeter of the site. CBRE have written in detail about the information provided during the recent planning application process where the Ancient woodland will remain with little or no affects. They have also highlighted their efforts to retain as much of the sporadically planted mature trees within the internal areas of the site. Any planning process either historical or future has and will take into account the tree cover and the benefits that it offers to the site. This will be regardless of the TPO status. What this TPO does in affect is to highlight the trees importance within the landscape. The detail of these trees on site has been very well documented by CBRE.

- 6 An objection has also been received from Mr & Mrs Kelly who are currently in the process of purchasing a property in Fort Road. They have stated that they wish to move in and then organise the felling of certain trees within their newly purchased property.

For the TPO:

- 7 Badgers Mount Parish Council fully support Sevenoaks District Council in their efforts to protect the trees in the Fort Halstead area. There are four Parish Councils whose boundaries dissect the Fort Halstead area.

Assessment

- 8 Section 198 of the Town and Country Planning Act states:

If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

- 9 The National Planning Policy Guidance (NPPG) advises that it may be expedient to make an Order if they believe there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. Further advising:

- It is not necessary for there to be immediate risk for there to be a need to protect trees.
- In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider where this is in the interests of amenity, that it is expedient to make an Order.
- Authorities can also consider other sources of risks to trees with significant amenity value.
- Changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.

- 10 The NPPG advises that Local planning authorities can make a Tree Preservation Order 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. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what trees can be protected and how they can be identified.

- 11 When considering whether trees should be protected by an Order, the NPPG advises authorities to assess the amenity value of trees in a structured and consistent way, taking into account the following criteria:
- *Visibility* - the extent to which the trees can be seen by the public and the impact on the local environment.
 - *Individual, collective and wider impact* - including future potential, cultural and historic value, size and form, contribution to the landscape.
 - *Other factors* - where relevant such as nature conservation or climate change.

Whether it is expedient in the interests of amenity to confirm the TPO

Amenity value

- 12 The area of the TPO is within an Area of Outstanding Natural Beauty. The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 13 There are therefore two considerations directly related to a site's AONB status. Firstly does the proposal conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 14 The Sevenoaks Countryside Assessment identifies this site as lying within the Knockholt Scarp, an area where it is identified as important to conserve the wooded cover. Some of the trees are part of Ancient Woodlands.
- 15 The contribution that a tree makes to the landscape quality of a scene however is not dependent on the extent that it is seen by people. For example, there are many localities which are of outstanding landscape value but are rarely seen. Clearly their degradation and disfigurement should not be permitted merely because few will see them. Moreover, the extent to which a particular scene is accessible and is viewed varies over time and should not be the determinant of landscape quality.

Expediency

- 16 Part of the site covered subject of the TPO is being sold to individual occupiers for the first time (having been rented previously) and this includes roads such as Fort Road, and Armstrong Close. As the residential properties are being sold off new residents are carrying out modernisation and

landscape works. This includes numerous reports of tree felling and clearance, which has now halted due to the presence of the newly served TPO 4 of 2016. These actions without the formal protection that the TPO affords the trees could take place over a wide area and further harm the character of the AONB and the wooded feel of this estate.

- 17 Other parts of the site include the Fort itself which is fenced off from public access and currently managed en-block.
- 18 The TPO was served to halt the unnecessary felling of trees on the wooded estate inclusive of the Fort within the security area and the residential estate. They can of course apply in the formal way to carry out works that they feel are appropriate. This work can then be assessed and agreed or not in the normal way.
- 19 Outline planning permission has now been granted for a large part of the TPO area for:

The demolition of buildings and development of a mixed-use development comprising:

- a business area (Use Classes B1 and B2 with ancillary energetic material testing) of up to 27,000 sq. m GEA,
 - 450 residential units,
 - a hotel of up to 80 beds,
 - a village centre (Use Classes A1-A3, B1a, D1 and D2),
 - use of the Fort Area and bunkers as an historic interpretation centre (Use Class D1) with ancillary workshop space, and
 - works associated with the development including roads etc.
- 20 This proposal confirmed that the organisation DSTL who currently use part of the site, intend to relocate all its operations from this site in 2018. The company, Qinetiq also occupy the site and would re-locate within the site as part of the redevelopment proposals.
 - 21 The conditions of that approval do provide protection for trees on the site but they are related to the commencement of the planning permission granted. Therefore, whilst a comprehensive proposal for the protection and improvement of the trees and landscaping on site exists, as part of the outline planning permission, this may not come into force. These conditions do not provide protection for the trees on site if the development granted does not come forward. The TPO will provide additional protection for those trees whilst the timing of the future of the site and its future re-development are uncertain.
 - 22 No applications have yet been received for the discharge of conditions related to this submission, including the submission of Reserved Matters. However, this site is of a significant scale and it is entirely possible that the site will be sold off to be developed in different parts, particularly in

relation to the different uses proposed. Whilst this is unlikely to be imminent, it is outside of the Councils control and we may have limited, if any, prior knowledge of sales.

- 23 As the NPPG advises, changes in property ownership and intentions to fell
trees are not always known in advance, so it may sometimes be appropriate
to proactively make Orders as a precaution.
- 24 This order would not affect the planning permission that has previously been
agreed. A TPO is a material consideration to take into account for any
future planning applications but it does not automatically prohibit
development.

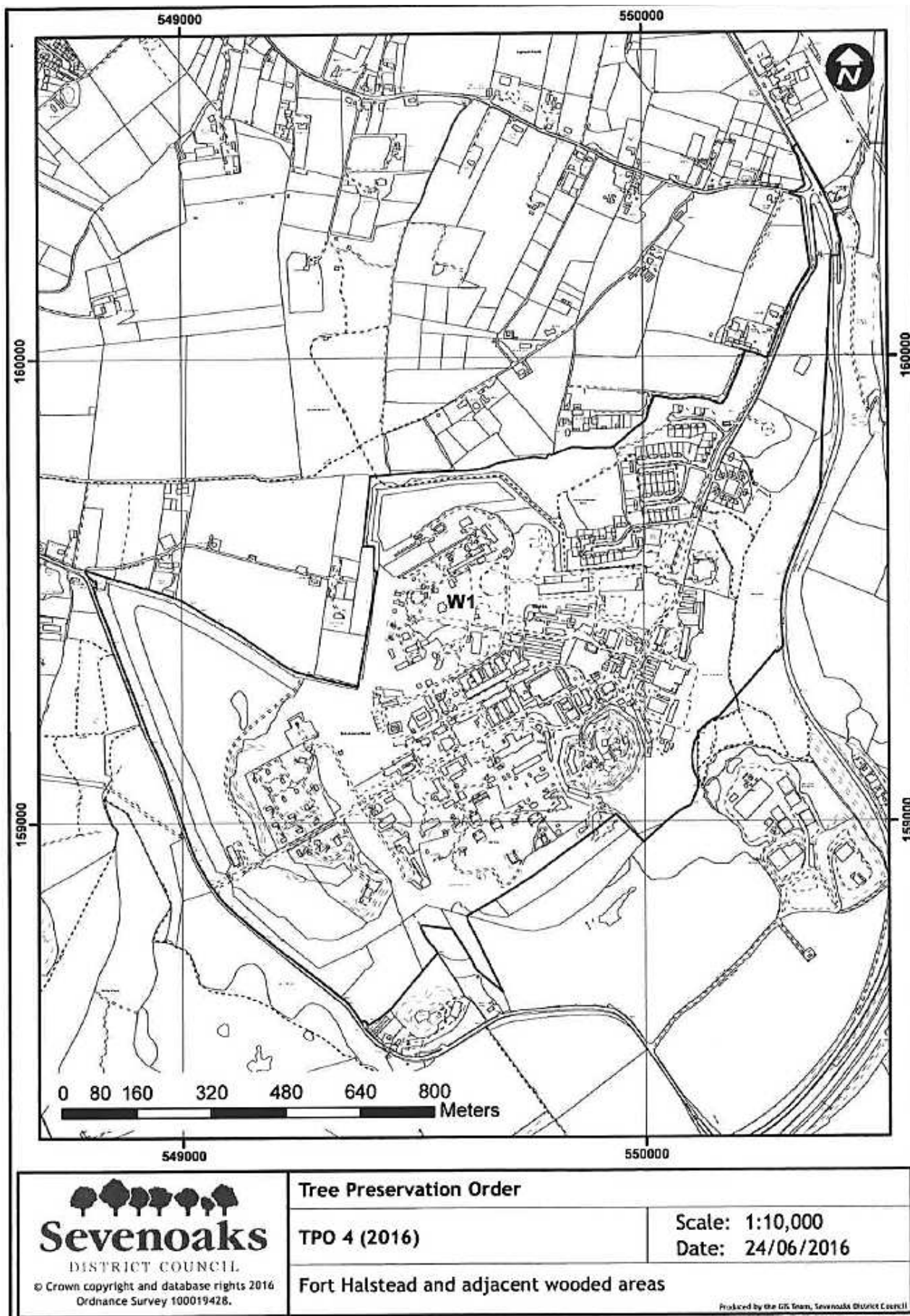
Conclusion

- 25 TPO 4 of 2016 was served as a direct result of the felling that took place outside of the actual Fort perimeter. The two main objectors have raised valid points of why their areas should not be included within any confirmed TPO. Throughout SDC dealings with the Fort Halstead Estate they have demonstrated sensible and thoughtful management of the trees in their care. This is the current situation as it now stands.
- 26 There is much uncertainty surrounding what or how this site may evolve within the near future. Parts of it could change ownership. At least some of the current occupants will move out and be relocated. It is for this reason that it is proposed to ensure that all of the trees within the Fort as well as the outer areas are given protection for the longer term and not just the present.
- 27 Taking into account all of the above factors it is considered that it is expedient in the interests of amenity that this order be confirmed without amendment.

Attached TPO/04/2016 Plan and Schedule 1. (Appendix).

Contact Officer(s): Les Jones Arboricultural & Landscape Officer
Extension 7289

Richard Morris
Chief Planning Officer



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

| <i>Reference on Map</i> | <i>Description</i> | <i>Situation*</i> |
|-------------------------|--------------------|-------------------|
|-------------------------|--------------------|-------------------|

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

| <i>Reference on Map</i> | <i>Description</i> | <i>Situation*</i> |
|-------------------------|--------------------|-------------------|
| | None | |

Groups of trees (Within a broken black line on the map)

| <i>Reference on Map</i> | <i>Description</i> | <i>Situation*</i> |
|-------------------------|--------------------|-------------------|
| | None | |

Woodlands (Within a continuous black line on the map)

| | | |
|-----------|---|--|
| W1 | Mixed species wooded areas predominantly Oak, Ash & Sweet Chestnut | within Fort Halstead and adjacent residential areas |
|-----------|---|--|

* complete if necessary to specify more precisely the position of the trees.