

5.1 Objection to Tree Preservation Order number 9 of 2016

Located at Russell House School, Station Road, Otford TN14 5QU

ITEM FOR DECISION

TPO 9 of 2016 has been served in response to a proposed development at the above named school site (16/02003/FUL). This proposal would have necessitated the felling of nine mature trees to accommodate the proposals with further frontage mature trees potentially compromised.

RECOMMENDATION: That TPO 9 of 2016 is confirmed without amendment.

Description of planning application 16/02003

- 1 Erection of a new single storey dining hall with kitchen, music rooms and changing facilities on the site of an existing tennis court and a new/extended drop off area next to proposed dining hall court.
Construction of a new multi-use games area to the rear of the site. The planning application for new development at the school was submitted in July 2016 and withdrawn in September 2016.

Description of Site

- 2 Russell House School is an independent co-educational preparatory school for children aged between 2 and 11 years of age. The site is located to the north east end of the village and consists of the main detached school building with numerous adjacent classrooms and other buildings throughout the grounds.

Constraints

- 3 TPO 9 of 2016
- 4 Kent Downs AONB.

Policies & Material Considerations

- 5 National Planning Policy Framework (NPPF)
- 6 National Planning Policy Guidance (NPPG).

Representations

- 7 We have received an objection letter from the Headmaster of the school Mr McCarthy.
- 8 Mr McCarthy has supplied details of recent history (2012-present day) of the school and its growth over the last few years. In 2012 the school had 182

pupils and between then and now the roll has risen to 210, which he has stated is now at capacity.

- 9 The reasoning for the planning application according to Mr McCarthy was to have a sufficiently large enough dining space for one sitting as opposed to the current three sittings. It was also proposed to alter the changing facilities, which are currently small and inadequate. It was also proposed to alter the internal road system and drop off/pick up area to alleviate the negative impact on the busy Station Road to the south of the School.
- 10 He has further stated that all of these proposed improvements will disappear due to the serving of TPO 9 of 2016.
- 11 Mr McCarthy has stated that his basis for the objection is that he cannot agree that users of the road or the village enjoy the view of the trees and that if upheld they will prevent any and all future development of the school.
- 12 Mr McCarthy has stated that the school would be more than happy to carry out replacement planting within the north east corner of the school grounds. He has also extended an invitation to interested parties to visit and discuss in greater detail and to expand on the aforementioned points.
- 13 Further representations have been received from Warners Solicitors on behalf of Russell House School. Warners have provided a 7 page statement as part of their objection inclusive of a copy of the TPO, images of varying viewpoints of this line of trees, as well as images of vehicle incidents outside of the school and a tree report provided by Bartlett Tree Experts.
- 14 The main issue as stated within the Warners report is that the imposition of the serving of the TPO halts the proposed improvements which were designed to alleviate the traffic accumulation entering the site, as well as the documented traffic accidents that have occurred. It is also stated that proposed dining improvements would also be halted due to the serving of the order.
- 15 The Warners report also criticises the validity of the TPO questioning the available amenity value and the benefits of the trees to the street scene. The respondent contends that the level of visibility of all but the trees fronting Station Road is very low or non-existent. The Act does not define amenity. It is therefore a subjective view. The report then states numerous vantage points where the trees can and cannot be viewed.

Appraisal

- 16 The serving of TPO number 9 would be on the site of the proposed extensions as they were last proposed, but does not necessarily prohibit development. It was not served in order to halt this proposal but to ensure the retention of these mature trees. They are prominent within the landscape as they are located within the frontage grounds and potentially seen by hundreds of passers by on a daily basis. It is therefore considered that their removal would have a negative impact upon the surrounding landscape.

- 17 The provisions of section 197 of the Town and Country Planning Act 1990 imposes a general duty on local planning authorities in granting planning permission to impose conditions for the preservation or planting of trees where appropriate and to make tree preservation orders under section 198 as appear necessary. This is a material consideration under section 70 of the 1990 Act in the grant or refusal of planning permissions in terms of the impact of a development in the vicinity of the development.
- 18 Having viewed the site proposed for the dining hall, the originally proposed design would hug the eastern boundary at the expense of the mature trees located growing parallel with it. If the footprint of the proposed dining hall were to be located more in keeping with the existing tennis court, it would leave space for the trees to be retained.
- 19 The mature trees located between the existing games courts and 41 Station Road, which were shown to be removed to accommodate the proposed development are located upon a raised area of land, which is approximately a metre higher than the adjacent games court. They are growing in what is a strip of land that runs parallel with the boundary of 41 Station Road. They are not located centrally and are taking up a large swathe of land so would not automatically halt any development. There is therefore scope for a compromised design where the trees are retained and development maybe possible.
- 20 With regard to the implications for future development on the site, the trees would remain a constraint. However, the protection of the trees through imposition of a preservation order is not intended to prohibit development per se. It does mean that any proposals in the vicinity of the trees would be required to minimise the impact upon them. It may be possible to achieve this through careful siting of a building, its size and design and potentially through construction methods, such as use of raft or piled foundations.
- 21 It has been suggested that additional planting could be conditioned and agreed. Should the trees shown for removal be removed and the development as proposed be agreed, there would then be limited space for additional planting within the frontage of the site. The school admit they could carry out planting to the rear north east of the site, which is probably the least publicly visible location within the whole of the school grounds. Existing amenity value within the current street scene would therefore be lost.
- 22 The serving of the TPO was never intended to halt any and all development on site. It was intended to preserve the amenity value that they offer. The applicant can enter into discussions to see how both the improvements to the school and the protection of trees can co exist on site for the future.
- 23 Any discussions around creating any future designs would centre around the trees being retained and protected, which may require the last proposal being designed slightly smaller to allow space for the retention of the trees.
- 24 The Applicant has relied upon the provisions of section 39 Road Traffic Act 1988 in arguing that any TPO should not be made because of road safety

issues. The duty under this provision is for an authority to carry “a programme of measures designed to promote road safety” in its area. It is therefore a general duty to be carried out in reference to its administrative area and is not site specific. The duty would therefore not be applicable to this application. However considerations of road safety would be material considerations in their own right in coming to a determination.

- 25 KCC as the highway authority has advised. Whilst the introduction of the dropping off area is welcome, I do not consider that the number of vehicles that could be accommodated in the proposed dropping off area would have any significant impact of the number of vehicles stopping on Station Road and could possibly result in additional queueing / conflicting movements at the site entrance due to the additional cars entering / leaving the school. There is also a possibility that parents picking up children will not enter the school grounds but continue to park on-street to avoid congestion within the school grounds. I consider that the size of the dropping off area and the number of vehicles it could accommodate would have a minor impact on the number of vehicles stopping on-street and, whilst it is accepted that at school start / finish times there is congestion on Station Road, the proposal will have a minor impact on improving highway safety and easing congestion.
- 26 The Applicant has also relied upon the provisions of section 122 Road Traffic Regulation Act 1984 whereby a duty is placed on authorities to secure “expeditious, convenient and safe movement of vehicular and other traffic...and adequate parking facilities.” However this duty only applies on an authority in exercising its functions under the 1984 Act and is therefore not applicable to this determination.
- 27 The available amenity of these trees is based upon their visual and ecological value. The tree numbers referred to for removal are visible from certain vantage points in varying degrees. The tree report provided by the appellant describes the trees as generally in good condition and being mostly in the region of 100 years old.

Conclusion

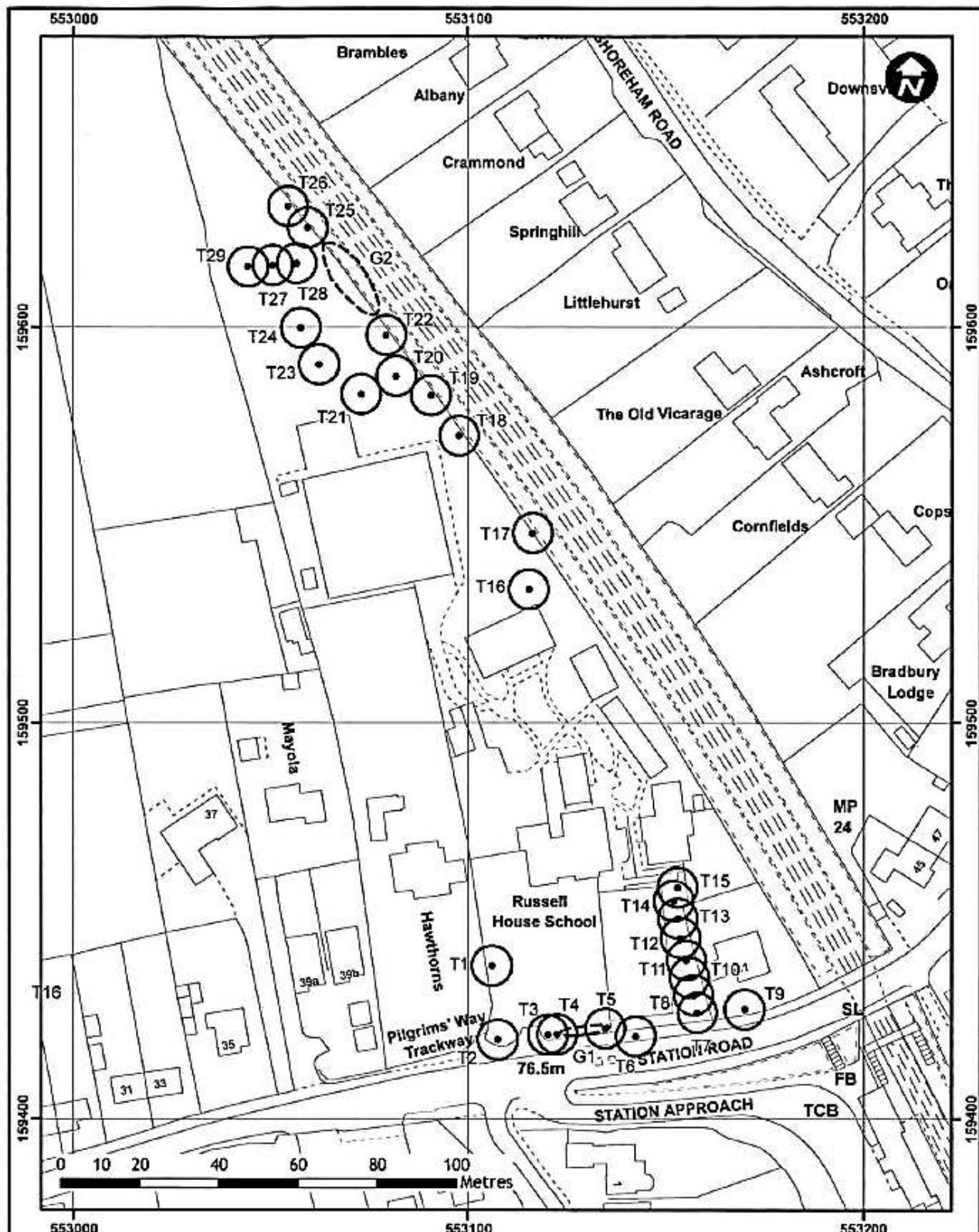
- 28 It is therefore my recommendation that TPO 9 of 2016 be confirmed without amendment.

Attached TPO/09/2016 Plan and Schedule 1 as (Appendix 1).

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

Richard Morris
Chief Planning Officer

APPENDIX 1



 Sevenoaks DISTRICT COUNCIL	Tree Preservation Order		
	TPO 09 (2016)	Scale: 1:1,250	Date: 22/09/2016
Russell House School, Station Road, Otford, Kent, TN14 5QU			Produced by the GIS Team, Sevenoaks District Council

(Item No 5.1) 5

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>
T1	Horse Chestnut	Situated on the south western boundary of Russell House School, Station Road, Otford, Kent.
T2	Lime	Situated on the south western boundary of Russell House School, Station Road, Otford, Kent.
T3	Lime	Situated on the southern boundary of Russell House School, Station Road, Otford, Kent.
T4	Lime	" " "
T5	Lime	" " "
T6	Lime	" " "
T7	Lime	" " "
T8	Hornbeam	Situated on the south eastern boundary of Russell House School, Station Road, Otford, Kent.
T9	Lime	Situated on the southern boundary of Lyncroft Cottage, 41 Station Road, Otford, Kent.
T10	Hornbeam	Situated on the eastern boundary of Russell House School, Station Road, Otford, Kent.
T11	Hornbeam	" " "
T12	Hornbeam	" " "
T13	Hornbeam	" " "
T14	Hornbeam	" " "
T15	Hornbeam	" " "
T16	Robinia	" " "
T17	Sycamore	" " "
T18	Norway Maple	" " "
T19	Norway Maple	" " "
T20	Norway Maple	" " "
T21	Sycamore	" " "
T22	Norway Maple	" " "
T23	Sycamore	Located to the rear of the playground at Russell House School, Station Road, Otford.
T24	Sycamore	" " "
T25	Sycamore	Situated on the eastern boundary of Russell House School, Station Road, Otford, Kent.
T26	Sycamore	" " "
T27	Sycamore	" " "
T28	Sycamore	" " "
T29	Sycamore	Situated on the western boundary of Russell House School, Station Road, Otford, Kent.

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>
G1	A group comprising of 4 Yew trees.	Situated on the southern boundary of Russell House School, Station Road, Otford, Kent.
G2	A group comprising of 4 Sycamore trees.	Situated on the eastern boundary of Russell House School, Station Road, Otford, Kent.

Woodlands
(Within a continuous black line on the map)

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

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