

trees and development



SUPPLEMENTARY **PLANNING GUIDANCE**

CANTERBURY
DISTRICT
LOCAL PLAN

September 2003



Trees and Development

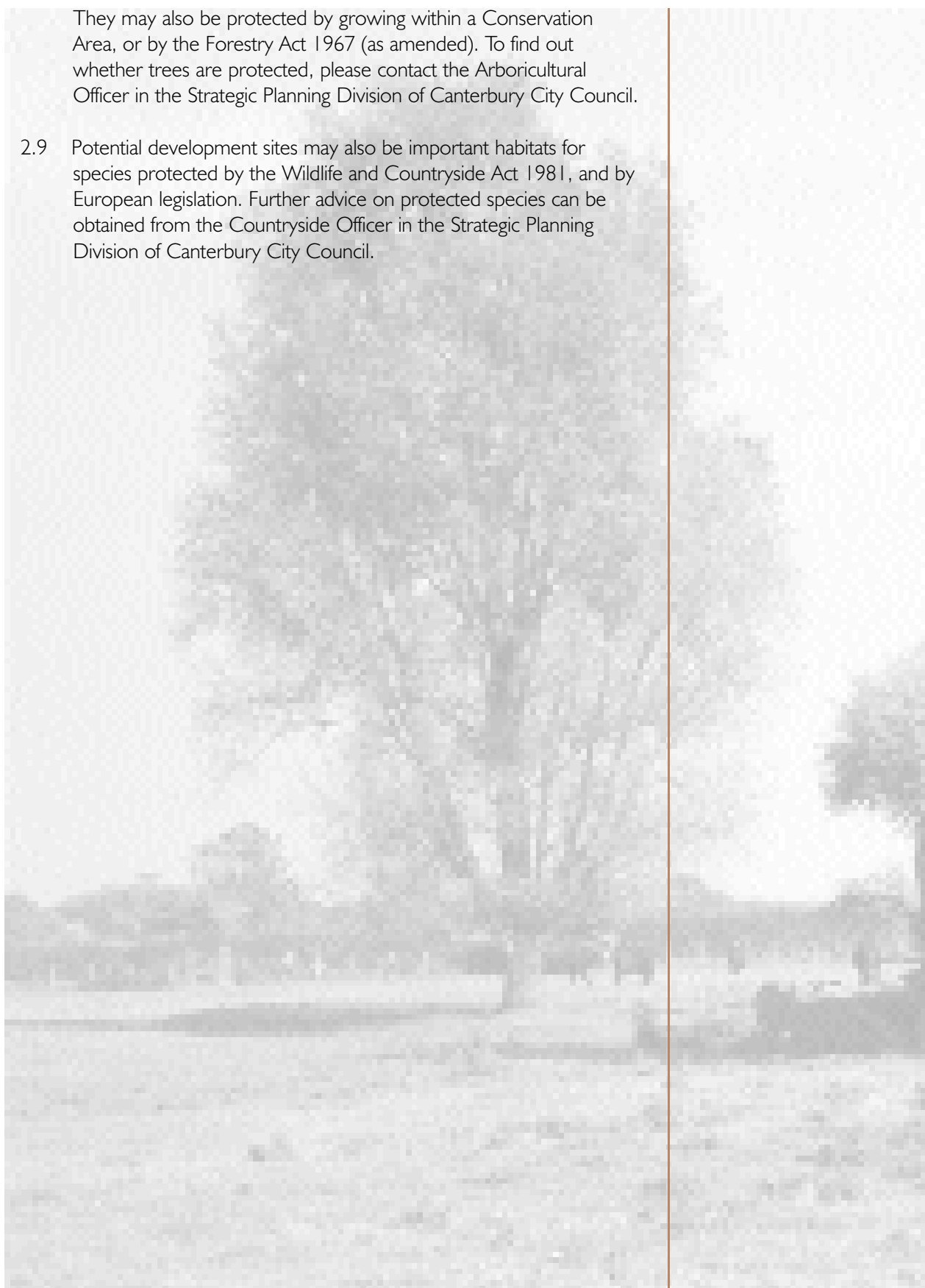
- 1.1 Trees are of considerable importance to the built and natural environment and make a significant contribution to the amenity of an area. They can screen and soften hard landscapes, provide shelter and habitat, and filter pollution. Trees have been shown to reduce the winter heating costs of nearby buildings, and provide valuable shade during the summer.
- 1.2 The value of a development can be significantly increased by the retention of existing trees and the integration of new planting. The successful retention of trees can enhance the appearance of a new development, integrating it with the local landscape, providing instant maturity to its setting and significantly increasing property values.
- 1.3 Conversely, poor design and construction practices can lead to the death or premature removal of trees, to the detriment of the local environment and the quality of life for residents and visitors. The retention of inappropriate or damaged trees may lead to increased development costs and future management problems.
- 1.4 The City Council has a duty to consider the effect of proposed development on existing trees, and to ensure that adequate provision is made for the planting of new trees. The effect of a proposed development on existing trees is a material factor when considering a planning application.
- 1.5 The aim of this guidance is to provide advice and examples of best practice, and to assist applicants in the identification and successful retention of appropriate trees within development sites of all sizes.
- 1.6 This guidance also sets out the information required by the City Council to effectively assess and determine planning applications for development on sites that contain trees. Applications that do not provide the appropriate information may be refused, or may take longer to determine.
- 1.7 This guidance supplements policies in the Canterbury District Local Plan (November 1998) and the first review of the Canterbury District Local Plan.

Policies D1 D3 D36

- 2.1 Section 197 of the Town and Country Planning Act 1990 places a duty on the local planning authority (Canterbury City Council) to ensure that when granting planning permission for any development adequate provision is made for the preservation and planting of trees, through the use of planning conditions and tree preservation orders.
- 2.2 Government advice on planning and development is set out in Planning Policy Guidance notes (PPG's). PPG12 "Development Plans and Regional Planning Guidance" provides for locally adopted Supplementary Planning Guidance to be a material consideration in the determination of planning applications.
- 2.3 Government policy advice on tree preservation orders is set out in "Tree Preservation Orders – A Guide to the Law and Good Practice" (DETR 2000), and includes guidance on trees and development.
- 2.4 The Canterbury District Local Plan (November 1998) states that space should be allowed for the planting of large, indigenous or traditional tree species wherever appropriate, and that development will not be permitted if it would cause the loss of trees, hedgerows or woodlands of importance to the character and setting of villages, towns and the countryside. Policies D1, D3 and D36, and paragraphs 2.10 / 1, 2.57 and 2.81 / 4 are particularly relevant.
- 2.5 The first review of the Canterbury District Local Plan 2001 - 2011 states that the Council will have regard for adopted Supplementary Planning Guidance in the consideration of applications for development. The Local Plan Review also acknowledges the importance of the natural environment to both towns and countryside, and requires the retention of trees, hedgerows and woodlands of importance to the amenity of an area. Policies BE1, BE10 and NE5, with their supporting text, are particularly relevant.
- 2.6 British Standard BS: 5837 (1991) "Guide for Trees in Relation to Construction" gives detailed guidance on planning for, and achieving, the successful integration of existing trees and new planting with development.
- 2.7 Canterbury City Council will be guided by the advice in these and other relevant documents, and by any subsequent amendments, in the determination of planning applications.
- 2.8 Trees on potential development sites may be protected by specific tree preservation orders, or conditions on any planning consents.

They may also be protected by growing within a Conservation Area, or by the Forestry Act 1967 (as amended). To find out whether trees are protected, please contact the Arboricultural Officer in the Strategic Planning Division of Canterbury City Council.

- 2.9 Potential development sites may also be important habitats for species protected by the Wildlife and Countryside Act 1981, and by European legislation. Further advice on protected species can be obtained from the Countryside Officer in the Strategic Planning Division of Canterbury City Council.



- 3.1 The Government's Planning Policy Guidance Note 1 makes it clear that good design should be the aim of all those involved in the planning process. Landscape design should be considered as an integral part of urban design, as the appearance and treatment of spaces between and around buildings is often of comparable importance to the buildings themselves.
- 3.2 If developments are to achieve the high standards of design required by the Canterbury District Local Plan and Local Plan First Review an early survey of the proposed development site is essential, particularly if the design is to successfully integrate existing trees and new planting into the landscape and character of the area. The design and layout of a proposed new development should flow from a detailed assessment of the trees and other natural features existing on the site.
- 3.3 British Standard 5837 provides extensive advice on planning for trees and development. It provides guidance on the identification of trees suitable for retention, their protection during construction and on the successful integration of existing and newly planted trees within the development. It also provides detailed information on the potential impact of development on trees, and of trees on buildings, and gives guidance on how to minimise that impact. Developers, their design team and builders are strongly advised to familiarise themselves with the British Standard.
- 3.4 Consideration must be given to the effect development may have on existing trees, and also to the effect trees may have on the construction and use of any development. This consideration should include any adjacent trees whose crowns overhang the site.
- 3.5 Trees can shade buildings, gardens and open spaces, leading to requests to fell or prune significantly trees otherwise not affected by the development. If trees are retained too close to buildings, their future growth can lead to damage to both the tree and building.
- 3.6 The fear of falling trees or branches, or just the close proximity of trees to a building, can generate future pressure for inappropriate pruning or felling.
- 3.7 Trees, shrubs and close mown grass can take considerable quantities of water from the soil, and may be one of the causes of building subsidence on shrinkable clay. Existing trees and proposed planting must therefore be taken into account when designing foundations for new buildings. Trees removed from a site before development takes place can continue to influence the soil long after construction, and should also be taken into account in the

design of appropriate foundations. Detailed advice is given in Chapter 4.2 of the National House Builders Standards, “Building Near Trees”.

Proposals should allow space for trees and new planting within the development. The design should allow for the future growth of trees and their amenity to the local area, and take account of the future maintenance and use of any adjacent buildings.

- 3.8 The installation of underground services can directly damage the roots of existing trees and lead to changes in soil drainage, resulting in the loss of trees not otherwise affected by the development. Similarly, the growth of existing and newly planted trees can lead to damage of underground services, particularly sewers. Decisions must therefore be made early in the design process on the location of service trenches in relation to existing trees and areas of new planting. Detailed advice and guidance is given in “Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees” (NJUG10), published by the National Joint Utilities Group.



- 4.1 Canterbury City Council will require applications for planning permission to retain any trees, hedgerows or woodlands of importance to the amenity of an area. Applicants must demonstrate that their proposal has taken into account trees, hedges and woodlands within and adjacent to the boundaries of their site.
- 4.2 When there are trees on a proposed development site, planning applications must include a tree survey in accordance with BS 5837, or to a similar standard. A person experienced in arboriculture should assess the species and condition of all trees included in the survey.
- 4.3 Such surveys will include a plan showing the accurate location of all trees with details of existing and proposed levels, and a schedule listing their species, height, trunk diameter measured at 1.5m above ground level and an assessment of their suitability for retention within the context of the proposed development. Trees with a trunk diameter of less than 75mm measured 1.5m from the ground may be excluded from such surveys, although the location of any shrubs or young trees of great merit should be plotted, as should the branch spread of trees overhanging the site.
- 4.4 The survey should also provide details of the branch spread, age and vigour of the trees within the site. This information can be used to determine the position of protective fencing around trees, in accordance with British Standard 5837. Development will not normally be allowed within this protected area.
- 4.5 Although it may be technically possible to build close to the protected area, other considerations such as the need for adequate working space, allowance for future growth and for natural lighting of rooms, will usually require buildings to be further from trees than indicated by the position of protective fencing.
- 4.6 Canterbury City Council encourages developers to produce an Arboricultural Method Statement for inclusion with planning applications on sites with trees. Such statements will include details of proposed protective fencing and other measures to protect trees during construction.
- 4.7 Proposals that threaten the future retention of trees and other natural features of importance to the character and visual amenity of an area will normally be refused.

- 5.1 Canterbury City Council, as local planning authority, has a duty to ensure that in granting planning permission for any development adequate provision is made for the preservation or planting of trees. This may be done by the imposition of conditions on the grant of planning permission or, if it appears expedient in the interests of amenity, by making tree preservation orders.
- 5.2 Tree preservation orders will be made to protect trees and woodlands that make a positive contribution to local amenity. However, the existence of a tree preservation order does not necessarily preclude development of a site.
- 5.3 Tree preservation orders may be served prior to or after the receipt of a planning application, or after any development is complete.
- 5.4 Trees growing on sites within a conservation area are protected by S.211 of the Town and Country Planning Act 1990. Penalties for the cutting or felling of trees in a conservation area are similar to those applying to a breach of a tree preservation order.
- 5.5 It is an offence to cut or fell protected trees without the written consent of the local planning authority or, in the case of trees growing in conservation areas, without first giving the appropriate notice. Canterbury City Council will support proposals for the appropriate arboricultural management of protected trees, but may take legal action against any unauthorised works.
- 5.6 Advice on the procedures applying to protected trees may be obtained from the Arboricultural Officer in the Strategic Planning Division of Canterbury City Council.

- 6.1 Trees on development sites are extremely vulnerable and must be protected. Despite their size and potential longevity, trees are very easily damaged. Particular care should be taken of root systems, as any damage may not be immediately apparent.
- 6.2 Roots are generally found within the top 600mm of the soil, and absorb both water and oxygen from the soil. Any disturbance of or digging in soils around trees will lead to damage. A single pass by a loaded vehicle, or the storage of materials, can compact the soil and kill roots.
- 6.3 Vehicles can easily damage the trunks, limbs and branches of trees. The crown of a tree should be lifted (i.e. lower branches removed) if tall vehicles or high loads are likely to pass within crown spread. All work to trees should be carried out in accordance with British Standard 3998 "Recommendations for Tree Work".
- 6.4 British Standard 5837 gives detailed guidance on how development can affect trees, and on measures that can be taken to prevent damage. However, contractors are advised to seek the advice of an appropriately qualified arboriculturalist.
- 6.5 Before any construction activity takes place on site, protective fencing should be erected around all trees shown to be retained on the approved plans. If it is more appropriate for agreed felling or other tree surgery work to take place before the fencing is in place, measures should be taken to protect any trees to be retained, including their root systems.
- 6.6 The protective fencing should be erected below the outermost limit of the branch spread, or at a distance equal to half the height of the tree, whichever is greater. Alternatively, a person experienced in arboriculture may determine the location of fencing in accordance with the guidance given in British Standard 5837.
- 6.7 The protective fencing should be appropriate for local conditions and the building activity taking place, but will normally be a minimum of 1.2m high and of stout construction, e.g. chestnut pale or chain-link fencing fixed to a scaffolding framework. Trees of particularly high amenity value, in areas close to construction activity, or particularly sensitive to damage may require more substantial fencing.
- 6.8 The area within the fencing should be considered sacrosanct, and should be maintained undisturbed until the development is completed. No materials should be stored within, or vehicles routed through, the protected area.
- 6.9 Developers should notify Canterbury City Council's Arboricultural Officer upon commencement of any works on site. At this stage Council Officers may wish to inspect the protection measures that have put in place to protect trees during construction.

- 7.1 On sites where there are trees, Canterbury City Council expects applicants and contractors to seek advice from an appropriately qualified arboriculturalist at all stages of the design, planning and construction of new development.
- 7.2 Additional advice and appropriate leaflets may be obtained from the Arboricultural Officer in the Strategic Planning Division of Canterbury City Council.
- 7.3 Although not an exhaustive list, the following documents (or their subsequent revisions) are relevant to trees and development:

Town and Country Planning Act 1990 (As amended).

Planning and Compensation Act 1991.

The Town and Country Planning (Trees) Regulations 1999.

Planning Policy Guidance Notes: PPG1 General Policy and Principles, PPG3

Housing, PPG9 Nature Conservation, PPG12 Development Plans.

British Standards: BS 3998 (1989) Recommendations for Tree Work, BS

5837 (1991) Guide for Trees in Relation to Construction, BS 3936 Part 1

(1992) Nursery Stock; Specification for Trees and Shrubs.

Tree Preservation Orders: a Guide to the Law and Good Practice (DETR 2000).

Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees (NJUG 10), published by the National Joint Utilities Group.

Building Near Trees: Chapter 4.2 of the National House Builders Standards.

Canterbury District Local Plan (November 1998) and the First Review of the Canterbury District Local Plan Deposit Draft (April 2002).

- 8.1 The City Council went out to public consultation with this Supplementary Planning Guidance in parallel with the first deposit draft of the Canterbury District Local Plan from 3rd May until the 14th June 2002. The consultation arrangements and availability, therefore, corresponded with the Local Plan consultation arrangements. As with the Local Plan consultation, comments received in response to the 26th March 2002 report to the Development and Planning Committee were also accepted. The guidance was placed on deposit at the Council's offices in Canterbury, Herne Bay and Whitstable, the libraries and the Kent County Council offices at Invicta House, Maidstone.
- 8.2 The consultation was drawn to the attention of the public by means of an article in District Life, published in March 2002 and delivered to all the households in the District. In addition, the Council has written to all individuals and organisations who either commented on the Local Plan Issues Paper (2000) and asked to be kept informed of the Local Plan progress, or submitted site representations during the pre-deposit consultation, to inform them of the consultation period. In addition the City Council has also written to residents groups, amenity societies and other local groups informing them of the consultation period.
- 8.3 The City Council has produced a summary of the consultation, including copies of representations and committee reports. This is available, at cost of printing, on request from the Local Plans Team on (01227) 862199.