

Reference: 18/00002/TPO

Proposal: Confirmation of Tree Preservation Order 18/00002/TPO

Site: 291A Thorpe Road, Peterborough, PE3 6LU

Site visit: 23.07.2018

Case officer: Mr Bryan Clary
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Recommendation: **CONFIRM** Tree Preservation Order 15/00001/TPO

1 Description of the site and surroundings and Summary of the proposal

Purpose of Report

A provisional Tree Preservation Order (TPO) 18/00002/TPO at 291A Thorpe Road, Peterborough, PE3 6LU has been served following a 211 Notification (17/02082/CTR) requesting the removal of t1 Sycamore. The provisional TPO has been the subject of public consultation and as an objection was received, the Committee are required to determine the application in accordance with para 2.6.2.2 (f) of the Council's Constitution.

The main considerations are:

- Is the tree worthy of inclusion into a TPO in terms of public visual amenity value?
- Is the proposal reasonable and justified having regard to the objections raised?

The Director of Growth and Regeneration recommends that the TPO is CONFIRMED

Site and Surrounding

The Sycamore is in the rear garden of 291A Thorpe Road, immediately adjacent to the boundary with Longthorpe Bowling Green to the west.

Description of the Tree

T1 Sycamore. Mature although relatively small for its age and species. The structure of the primary unions and limbs appear sound and is physiologically the tree is in good condition. The only pruning of note is that of historic crown lifting works where branches overhung the bowling green, however, these do not diminish the value of the tree. The overall crown shape is weighted towards the garden but this is not a concern from a structural point of view.

2 Planning History

Relevant Planning History

17/02082/CTR proposed the felling of the Sycamore. As a direct result 17/00001/TPO was served to prevent the tree's removal. An objection to the TPO was received prior to confirmation (albeit outside of the objection period). To provide the land owner a fair objection 17/00001/TPO was not confirmed and the TPO was reserved as 18/00002/TPO.

An objection to the serving of 18/00002/TPO has been received by the land owner Ms Kelly Olsen.

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise:

- Town and Country Planning Act 1990, Section 198 states
198.— Power to make tree preservation orders
(1) 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.
- The Town and Country Planning (Tree Preservation) (England) Regulations 2012

4 Consultations/Representations

Objection

An objection to the TPO was received 10 June 2018 from the resident of 291A Thorpe Road (Ms Kelly Olsen) by email and later by letter. An email in response was sent by Bryan Clary (PCC Tree Officer) with final objection points being received by email 03 August 2018. This email trail can be found at **Appendix 1**. The six main points of the objection email are outlined below:

Objection 1: T1 Sycamore produces excessive nuisance from seedlings, leaves, honeydew and other seasonal nuisances. In addition, it is questioned why there is a change of stance by PCC given that previous pruning over Longthorpe Bowling Green has resulted in a lopsided crown.

PCC Response 1: The seasonal nuisances are noted particularly the seedlings in the spring and greenfly in the summer. However, the issues stated are not sufficient reasons to severely prune or remove trees that are subject to, or are worthy of a TPO. The issues raised are characteristics of all trees and are considered a reasonable 'nuisance'. This train of thought is in line with PCC's Tree and Woodlands Strategy and how PCC manages its own tree stock with regard to public complaints on these matters.

With regard to previous pruning it appears historic and there is no record of a request from the Bowling Green to prune back to their boundary line. It is noted that the Bowling Green are currently aware of their obligations (given that the LPA have received a 211 Notification from them this year). However, the lopsided crown does not detract from the amenity nor makes it structurally unsafe.

Objection 2: The Sycamore is not a native tree.

PCC Response 2: The species of tree or its origin is not relevant under the TPO legislation. As the tree meets the TPO assessment criteria it does not matter what the species is.

Objection 3: Shading by the tree – it blocks the sun from the garden during the afternoon, particularly on the patio.

PCC Response 3: As per response 1. Shading and other seasonal nuisances are not sufficient reasons to severely prune or remove trees that are subject to, or are worthy of a TPO

Objection 4: The overall public amenity of T1 Sycamore is questioned. The tree is not visible as stated from the playing field to the south when the trees are in leaf. The public amenity of the tree is also questioned particularly from the Longthorpe Memorial Hall Play Area.

PCC Response 4: Please refer to photographs at Appendix 3. T1 Sycamore can be seen from the playing field to the south where it breaks the skyline – see Plate 1. This view has been increased since the removal of a Sycamore in the Bowling Green. In addition, T1 Sycamore can be seen from within the publicly accessible Play Area that is managed by PCC – see Plates 2, 3 and 4. Overall, there are strong views of T1 Sycamore and there is no question of its public amenity.

Objection 5: The safety of T1 Sycamore is questioned with regard to its proximity to the dwelling at 291A Thorpe Road especially in severe weather and given the crown of the tree is weighted towards the garden/dwelling.

PCC Response 5: The tree does not appear to be unsafe and is in good condition. The LPA would be minded to approve future applications to lightly prune the tree from the dwelling to create adequate clearance. In addition, it is worth mentioning that it is likely that the development of the property was undertaken with the tree in mind so risks other than tree failure would have been mitigated within the design e.g. foundation depth.

Objection 6: The tree is too big for the size of the garden and therefore is inappropriate. Furthermore, of the tree in relation to the garden the Sycamore makes up 75% of the garden length (boundary next the Bowling Green) and 35% of the garden width. The Sycamore would be replaced with an appropriately-sized native species.

PCC Response 6: The tree is relatively small for the species and in my opinion will not grow significantly larger given its maturity. It is more likely to grow at a slow incremental rate and consolidate its current form. As such a crown reduction of any sort would be counterproductive as it would result in a vigorous, dense regrowth, ruin the aesthetics and branching architecture of the tree and make the tree less safe due to decay and pathogens. It is therefore argued that the tree is in proportion to its garden setting. However, whilst there will be an element of future growth there would be no objection from the LPA to crown lifting and a light prune over the garden if a future application was received.

The replanting of a new tree would be welcomed, however, it is maintained that current tree is appropriate for its location.

5 Assessment of the planning issues

Assessment of T1 Sycamore

Local Authorities within the best practice guidance 'Tree Preservation Orders – A Guide to the Law and Good Practice' are encouraged to develop systems to appropriately assess trees to ensure that the serving of TPOs is transparent and open to scrutiny. At PCC an assessment criteria has been developed which in its first section assesses the public amenity and the value a tree holds and later assesses the quality of the tree.

An evaluation of T1 Sycamore was made and the tree is assessed as having sufficient amenity value although it is noted that this is only 'sometimes' and the tree is not prominent. The tree is healthy has a life expectancy and likely contribution of at least 20-40 years. The loss of the tree

would have had a negative impact on the immediate landscape as it is one of only a few trees in the immediate area that has good longevity.

It is noted that another tree (also a Sycamore) within the Bowling Club has been given consent to be felled under 18/00891/CTR on the basis that it was low quality and did not possess the longevity of the tree subject to this objection.

TPO serving procedure

17/00001/TPO was served as a direct result of the 211 Notification 17/02082/CTR that requested the removal of T1 Sycamore. The LPA had six weeks to decide whether or not T1 Sycamore Tree merited a TPO. If the TPO had not been served the result of the notification would have been consent to remove the tree.

An assessment was made to see if T1 Sycamore Tree was worthy of TPO, it subsequently passed, therefore 17/00001/TPO was served but not confirmed due to a late objection from the landowner. The second TPO 18/00002/TPO is identical to the first TPO but has allowed the land owner to lodge an objection within the appropriate timeframe.

Ms Kelly Olsen's Objections

Ms Olsen's objections are concise and logical. However, the objections outlined above do not detract from the fact that T1 Sycamore Tree has sufficient amenity value, is in good condition, has reasonable longevity and is worthy of a TPO.

T1 Sycamore Tree was under threat of removal and the LPA took steps by serving a TPO to prevent the trees removal. Ms Olsen within her objection comments still states that she wishes to remove the tree therefore T1 Sycamore would be under threat and most likely removed if the TPO is not confirmed.

The issues that Ms Olsen has forwarded with regards to the nuisances that T1 Sycamore create are noted but these are no more than other protected trees within the City. With regard to the proximity of the tree to the dwelling there is currently adequate clearance and this can be maintained if necessary by pruning. The presence of a TPO will not prevent reasonable and appropriate tree management and pruning such as crown lifting and a minor crown reduction over the garden has been discussed in principle.

Overall, the objections do not detract from the amenity or longevity that T1 Sycamore Tree offers.

6 Conclusions

T1 Sycamore Tree is a mature and attractive tree. It is in good health and conservatively has 20-40 years lifespan. The tree makes positive contribution to the amenity value of the area.

The proximity of the Sycamore Tree to the dwelling at 291A Thorpe Road is not deemed a major concern and with regard to shading and seasonal nuisances these are no more than to be expected by any other tree subject to a TPO and therefore are not considered appropriate reasons for the tree's removal.

7 Recommendation

The Director of Growth and Regeneration recommends that Tree Preservation Order 18/00002/TPO is confirmed.