

Public Document Pack



PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

WEDNESDAY 16 AUGUST 2023

1.30 PM

Bourges/Viersen Rooms - Town Hall

ADDITIONAL INFORMATION

Page No

Additional Information

3-74

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair. In the event of a continuous alarm sounding remain seated and await instruction from the duty Beadle.

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<http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=Protocol%20on%20the%20use%20of%20Recording&ID=690&RPID=2625610&sch=doc&cat=13385&path=13385>

Committee Members:

Councillors: Warren, Iqbal (Vice Chairman), Jones, Hogg, P Hiller, Bond, M Jamil, Hussain, Sharp, C Harper (Chair) and Allen

Substitutes: Councillors: G Casey, Mahmood and Seager

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email – daniel.kalley@peterborough.gov.uk



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CASE OFFICERS:

Planning and Development Team: Jim Newton, Sylvia Bland, James Croucher, Matt Thomson, Asif Ali, Molly Hood, Mike Osbourn, Karen Ip, Shaheeda Montgomery, Connor Liken, James Lloyd, Ellie O'Donnell, Keeley Tipton, James Croucher, Mike Osbourn, and James Melville-Claxton

Minerals and Waste: Alan Jones

Compliance: Lee Walsh and Alex Wood-Davis

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE

16 AUGUST 2023 AT 1:30PM

- 1 Procedure for Speaking
2. List of Persons Wishing to Speak
3.
Briefing Update

UPDATE REPORT & ADDITIONAL INFORMATION

PETERBOROUGH CITY COUNCIL

PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

Procedural Notes

1. Planning Officer to introduce application.
2. Chairman to invite Ward Councillors, Parish Council, Town Council or Neighbourhood representatives to present their case.
3. Members' questions to Ward Councillors, Parish Council, Town Council or Neighbourhood representatives.
4. Chairman to invite objector(s) to present their case.
5. Members' questions to objectors.
6. Chairman to invite applicants, agent or any supporters to present their case.
7. Members' questions to applicants, agent or any supporters.
8. Officers to comment, if necessary, on any matters raised during stages 2 to 7 above.
9. Members to debate application and seek advice from Officers where appropriate.
10. Members to reach decision.

The total time for speeches from Ward Councillors, Parish Council, Town Council or Neighbourhood representatives shall not exceed ten minutes or such period as the Chairman may allow with the consent of the Committee.

MPs will be permitted to address Committee when they have been asked to represent their constituents. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

The total time for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Chairman may allow with the consent of the Committee.

1. Objectors.
2. Applicant or agent or supporters.

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 18 JULY 2023 AT 1:30 PM

LIST OF PERSONS WISHING TO SPEAK

Agenda Item	Application	Name	Ward Councillor / Parish Councillor / Objector / Applicant
4.1	23/00003/TPO - 99 -101 Fulbridge Road, New England, Peterborough PE1 3LD	David Clark/Mr Raymond Palmer	Objector(s)
4.2	23/00001/TPO - 76 Guntons Road Newborough Peterborough PE6 7RT		
4.3	23/00004/TPO - Rhine Avenue Peterborough PE2 9SN	Stephen Smith	Objector

BRIEFING UPDATE

P & EP Committee 16 August 2023

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.	23/00003/TPO	99-101 Fulbridge Road

The following comments have been received from Ward Cllr Asim Mahmood:

- *TPO in this location is not reasonable or justified and does not take into consideration the objections raised by residents.*
- *The council has a duty of care to its residents, due to the height of these trees given the risk of high winds and more importantly the nursery children of 101 Fulbridge road who use the garden where the trees are present and I do not agree with the assessment made by the officer that the trees in question are not Mature*
- *Can the officer say with confidence that the Landowners will seek permission from the Council if the TPO is granted for trees that are already unmaintained and I have seen first-hand branches falling off.*
- *Taking onboard the views of the local residents. As the Ward Councillor I do not believe that these trees bring significant visual amenity value to the local area and does not warrant a TPO*

Tree Officer comment:

With regards to the first comment: The TPO 'objections' are being considered by the P&EP Committee, before the TPO is considered for confirmation. It should be pointed out that only two objections were received in the statutory 28 day period for objections, one from Mr & Mrs Clark and one from Sarah Raucci.

With regards to the second comment: 'As stated in the Tree Officer's report, the Council does not have a duty of care with regards to the trees' the subject of the TPO, as the trees remain the responsibility of the tree/land owners' and their obligations under the Occupiers' Liability Act 1984, as they always have been. The Tree Officer does not consider the trees to be fully mature or over mature, or 'near end of life' and 'present a danger to life and property' which was the reference used (see Point 4 of the report).

With regards to the third comment: It is the tree/land owner's responsibility to seek permission to maintain the trees. The removing of dead branches is exempt from consent (an application), the only obligation under the T&CPA 1990 is to give the Council five days notice, before undertaking such works. If the works are considered necessary because of an immediate risk of serious harm, the works can be undertaken, as soon as practicable, but evidence will normally be required by way of photographs or a report to demonstrate that the works were necessary, in such circumstances.

With regards to the fourth comment: The Tree Officer considers the trees do have significant, public visual amenity value to the immediate and wider local area. Please note: Mr & Mrs Clark's independent Arboriculturalist - Caroline Hall states the trees - 'offer a further 20 to 40 years contribution, with good screening and wildlife habitat potential, and are of benefit to the local landscape' and considers the trees to have 'considerable stature' and are 'widely visible from the surrounding area' (see Point 5 of the report).

The Tree Officer considers the trees meet PCC's TPO assessment criteria, the Council made the TPO, as it considered the trees' may be under threat from development and mis-management affecting their future health and wellbeing. It was considered that the proposed development had created pressures to carry out inappropriate and unnecessary pruning or felling, because of the anxiety and apprehension of future occupiers of the proposed dwelling with regard to the close proximity of the very tall Lombardy

Poplars (see Point 1 of the report). The making of the TPO was considered appropriate and reasonable in the circumstances.

Additional comments have been submitted by Mr Clark: (Info attached as annex 1)

Tree Officer comments:

The comments are duly noted, however, the Tree Officer considers all of the points raised have been addressed within his report, including Appendix 3, given that the points raised relate to the refused outline planning application, which the Tree Officer clearly states in his report, he would not respond to. This remains the case (see Para 4 Mr & Mrs Clark's TPO Objection Notice).

The following comments have been received from Mr Palmer:

My name is Ray Palmer, I live at 2a Sheridan Road, and I have lived there for more than 45 years and I am the longest resident in the road.

I find it strange that members are asked to make a decision on an application that is submitted by the authority they were elected to.

I submit these trees should never have been allowed to grow this high, especially in an urban residential area where the majority of surrounding properties are of a single story.

What is the purpose of this application? I support the view of the lady at 101 Fullbridge Road (nursery) that it is to frustrate the planning application on the back land development behind number 5 Sheridan Road. Which I will add is the only property to have suitable access to back land in this vicinity.

A TPO does not have to be associated with a planning application, so the question is why has this application emerged at this time when there have already been 4 planning applications on this back land and one application at number 3 Sheridan Road, planning officers and inspectors could have, and should have seen these trees and made a TPO before this date.

I would ask you to refuse this application and show support for the residents in Sheridan Road and Fulbridge Road, as 85% of the people objected to it, as indicated by the petition included in the report to which I have signed.

If you approve this application, there is no where the residents can go other than a judicial review, whereas if you refuse it, the council can go to an appeal.

Tree Officer comments:

The comments are duly noted, however, the Tree Officer considers all the relevant points raised have been addressed within his report, especially with regard to the Council making the TPO, as it considered the trees' may be under threat from development and mis-management affecting their future health and wellbeing. It was considered that the proposed development had created pressures to carry out inappropriate and unnecessary pruning or felling, because of the anxiety and apprehension of future occupiers of the proposed dwelling with regard to the close proximity of the very tall Lombardy Poplars (see Point 1 of the report). Please note: Appendix 5, which is the response to the Neighbour Survey, of which Mr Palmer was apart, and which no residents responded to within 14 days with any objections (see Point 8 of the report), including Mr Palmer.

Additional comments have been submitted by Mr Clark: (Info attached as annex 2)

Tree Officer comments:

The comments are duly noted, however, the Tree Officer considers most of the points raised have been addressed within his report, including Appendix 3. The Tree Officer confirms he will not respond to points raised relating to the refused outline planning application (see Para 4 Mr & Mrs Clark's TPO Objection Notice), the subject of an Appeal

With regard to the above submission, last paragraph on page 1. The Tree Officer apologises for the oversight with regard to the incorrect Site Location address on the Formal Notice, however, the letter(s)

clearly reference the correct TPO and the correct TPO was attached in each case. Legal have confirmed this is not a concern.

The Tree Officer would point out, with regard to the first two paragraphs on page 2, that the TPO in question was made on 16th March 2023 (before the refusal of the planning application 22/01542/OUT dated 24th March 2023) and was made for the reasons stated above.

The Tree Officer would point out, with regard to the second paragraph on page 4, that the detail with regard to the 'annex below there is 692 variants of Poplar tree...' This matter was responded to on Friday 11th August with Mr Clark, via e-mail.

The Tree Officer would point out, with regard to the last paragraph on page 4, that the views of the neighbours in question were not disregarded, to the contrary, each neighbour was written to (see Point 8 of the report). All the letters were hand delivered including Mr & Mrs Clark's and Sarah Raucci, as were the TPO's and the letters with reference to both Committee meetings.

The Tree Officer would point out, with regard to the fourth paragraph on page 5, that Mr & Mrs Clark's 'TPO Objection Notice' (Appendix 2), included the 'complaint' referenced above, which is included within the report (see Point 9 of the report).

2.	23/00001/TPO	76 Guntons Road
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No Further Comments

3.	23/00004/TPO	Rhine Avenue
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The following comments and photographs have been received from Mr Smith: (annex 3)

My reasons are:

1. The two trees are huge and in themselves cause safety issues with their branches falling off and damaging my property.
2. These trees have never really been maintained and again to expect a domestic owner to part with £2,000 – £3,000 every five to eight years for maintenance is unrealistic.
3. One tree is over 50ft in height. Aerial tree maintenance is required and I don't really know how you expect a domestic owner to fulfil this operation.
4. The trees take an awful lot of water from the ground leaving the ground dry and barren and difficult for domestic owners to grow plants and shrubs with copious watering needed, which will be metered and cost lots of money.
5. When these trees where part of the British Sugar Sports Field they were in there right element, but in a small domestic back garden they are a risk to the property, the children of that property and owners, let alone neighbours. I have at present a broken branch puncturing my shed roof.
6. I have been in touch with Olivia Hewitt, the Development Planning Manager at Vistry Partnerships through email on 16th May 2023, but there has been no acceptance of email, in fact purely radio silence. Presumably because of the cost of maintaining these trees.
7. Your TPO Officer Stephen Chesney-Beales believes that it would be easy for anyone to maintain these trees given the TPO requirements. I think that this assertion in itself is at least unrealistic given the

size of the trees and the equipment and safety requirements required for maintaining trees of this magnitude.

Please, please, please, remove these trees and replace them with a more sympathetic smaller type which can be easily maintained.

I have appended some pictures for reference.

Tree Officer comment:

The comments are duly noted, however, the Tree Officer does not consider the two Norway Maple within Group G.3 to be 'huge', as one is quite small and the other larger, but more 'unbalanced'. The trees can be managed by means of reasonable pruning in the future, if considered necessary, much the same as many other privately owned trees close to shared boundaries are. There will always be a cost incurred whether the tree/s in question are covered by TPO or not, unless the owner/neighbour takes on the work themselves, as Mr Smith has done in the past.

The Tree Officer does not consider the water demand of the trees to be an issue in this case, and please note, the developers retained the trees on site within the gardens of the proposed new houses.

The Tree Officer considers his report addresses the issue of the tree/landowner's obligation with regards to maintaining the trees in a safe condition by way of their obligations under the Occupiers' Liability Act 1984 (OLA).

The following comments and photographs have been received from Mr Smith: (annex 4)

Tree Officer comment:

The comments are duly noted, the Tree Officer confirms that Vistry/Countryside Partnerships are responsible for the trees the subject of the TPO at present and have a duty under the OLA, above, and when the houses are sold the new owner/s will be responsible for the trees and have a duty under the OLA.

The Tree Officer does not consider the size of the trees relative to the (size of the) gardens to be an issue subject of the TPO confirmation. Given the planning application for the development of the site had been made and approved with the trees subject of the TPO retained on site, within the proposed gardens. If the current or future owners or adjacent property owners wish to remove the tree/s, should the TPO be confirmed, an application can be made to remove the tree/s, any such application will be dealt with on its merits.

The Tree Officer is not in a position to comment on the construction companies (Vistry/Countryside Partnerships) disregard to the state of the trees or their alleged negligence.

The Tree Officer can inform Committee that a Tree Work Application has been submitted to prune all the trees subject of the TPO, however, the details of the pruning works have not been confirmed to date.

The Tree Officer can confirm that Peterborough City Council (PCC) has no responsibility for the care or any action with regards to the trees subject of the TPO, other than to consider them worthy of protection with a TPO and make the TPO in question, as detailed within the report.

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Note: Bias approach by PCC re: trees and decisions. It would appear there is only one person making decisions to this point re: trees and TPOs. Where is the two eyes approach to prevent non bias, fair, and balanced decision making.

My complaint/objection to the TPO was addressed to the Head of the Planning department, however it was responded to by the PCC tree officer, who by addressing the complaint will have a bias view. My complaint was about many inconsistencies, I provided at personal cost, professional reports, and surveys. No additional reports 'independent reports have been provided by PCC' to allow a fair and balanced approach. In turn the very reports that I have paid for have been selectively dissected and referenced and used against my application. I am up against the views of one individual with no site visit, poor communication, and no evidence to support his conclusions or decisions. Just an individual's views.

The committee meeting, notice period is too short to allow preparation (4days for a site visit), and 7 full days to the meeting date, inc. 4 days to submit any written evidence. Of which I was out of the country for 4 with work commitments. It does not allow a reasonable period to prepare. Preparation time has been allowed by PCC internally, and not enough time allowed to defend the case, I feel this was unbalanced and unfair.

The report provided to the committee does not include all the information of my complaint, these are very prudent points in evidencing and supplying all required information for transparency for the committee to be able to make an informed decision on the outcome.

1. Are the trees subject of the TPO worthy of inclusion in a TPO in terms of their public visual amenity value?

Note not in a conservation area.

- **Annex 1;** Note: consultation from planning application 21/01574/OUT: PCC – Open Space Management Planning comments 're: Michael Britton senior landscape technical officer. *'Quote; I can confirm the application falls below the threshold for the requirement of offsite POS (non-strategic) PCC section 106 contributions. Furthermore, as the application would appear to not affect any existing public open space or amenity landscaping, we have no comments to make.*
- Views of neighbour's survey, clearly indicates vast majority agree no real amenity value, and not worthy of TPO / Wrong trees, wrong locations, and pose risk to property and life.
- Application 21/01574/OUT, planners describe the popular trees *'These trees are visible from the street scene so do have some public amenity value'. So would indicate low level. The planners and neighbours also note: the large poplars due to the size & risk.*
- **Annex 2;** Ref: risks mature poplar do pose to people and property, vs. amenity values, when mature in size; Example Ref: **Welwyn Hatfield Borough Council:** [LC.00 \(welhat.gov.uk\)](http://LC.00(welhat.gov.uk))
The tree officer's response to this would be that they do not follow other councils, but surely reviewing what other councils do is a smart way to measure best practices.
- Letters were written by tree officer to ask opinion to surveyed residents, no responses 'so it does validate locals also see this as low value, by way of amenity value'– 'was any attempt made to knock on the doors of these residents and have a discussion after no responses to letters?

2. Is the making of the TPO reasonable and justified?

- 2010 Planning Application 10/00358/out – **(No tree issues on site noted by planners & tree officer, mentioned on rejection)**

- 2011 Planning Application 11/00719/out (**No tree issues on site noted by planners & tree officer, No mention on rejection**)
- 2021 – Planning Application 21/01574/out (Noted Tree report required) Noted main concern from neighbours is large poplars and Risk to property and life. **N.B. No Tree officer comments on this application.**
- 2022 Application 22/01542/out – addressed Tree concerns and mitigating points, and widely used building proposals.
- N.B. 2022 Application submitted 25.10.22 (Should be 8 weeks for a planning application but took 20 weeks) Decision issued 24.03.23 (tree officer evoked TPO on 16/03/23) So it took 5 months to issue a TPO ‘under expediency’! Although no pressures were in place, evidence from landowners, and reports issued from the planning application. These pressures are not prevalent and therefore the TPO was not necessary and need not be made permanent.

Conclusion of above these poplar trees have been present off site during all applications since 2010, with no mention of off-site poplar trees over 3 applications. All reports were noted to “retain trees”, using powers such as expediency to put in a TPO – was unnecessary and not justified.

- **Annex 3:** The off-site Lombardy poplar trees are mature, as noted in independent arboriculturist report, and submitted example public report from **Reading Borough Council** indicating life spans of these tree species tend to live between 30 to 50 years & evidence in topping poplar trees being an acceptable method of making safe and prolonging the trees. Link to report: [Work to Protect Lombardy Poplar Trees at Christchurch Meadows Begins this Month \(reading.gov.uk\)](https://www.reading.gov.uk/work-to-protect-lombardy-poplar-trees-at-christchurch-meadows-begins-this-month)
- Also reports from neighbours, *Sarah Raucci no: 101 Fulbridge road: Quote: Lombardy Poplar trees have a general lifespan of 30-50 years; I have lived at the property for 30 years; and the trees were well established then, they are more likely at the end of their life span. My once calming trees are causing me some moderate stress and anxiety and ruining the peaceful enjoyment of my property.* This statement is not nice to read as a neighbour who applied for planning, and this TPO is causing friction, when it was never needed.
- To evidence Popular tree species age and to back the independent Arboriculturist report: RHS web site, notes ultimate height of species: Higher than 12 meters – indicate time to ultimate height 20-50 years. Ref: [Populus nigra 'Italica' \(m\)|Lombardy poplar/RHS Gardening](https://www.rhs.org.uk/plants/trees/shrub/populus-nigra-italica)
- All reports and residents who own the trees clearly stated these trees were for retention during the planning application, not any report nor conversation alluded to anything different, including the independent arboriculturist reports.
- - 5 Sheridan Road submitted a topical plan, AIA, Tree plan and grading by an independent arboriculturist report at own cost as requested by PCC. – 1st report noted retention ‘and recommended topping the popular trees ‘to prolong the longevity of an older tree’ is a widely acceptable. This was why the arboriculturist report described these trees could’ offer a further 20 to 40 years contribution, with good screening and wildlife habitat potential, and are of a benefit to the local landscape. Quote from Caroline Hall – Lady who carried out Arboriculturist independent report; notes submitted in the complaint to PCC head of planning; **Annex 4 ‘About the poplars, if the tree officer noticed in my schedule, there are no preliminary management recommendations. Long term management that I put down was to address safety concerns raised in previous correspondence from planners. It is not ideal to top trees in this way I agree, though it is a practice quite commonly used for these types of trees. Alternatively, they could just be removed.**

I consulted with another Arboriculturist about this, and they agreed entirely with me. They have a distinct landscape value in the ‘right’ setting.

- As PCC’s tree officer disagreed with the topping of these trees, it was removed from the report to appease this concern at additional expense to myself.
- Additional reference on safe to top popular trees; <https://www.trees.org.uk/Help-Advice/Help-for-Tree-Owners/Guide-to-Tree-Pruning>

Species	Tolerance to hard pruning Good, Fair or Poor	Optimum time to prune	Notes
Poplar	Good	Winter (mid)	Prone to bleeding

- To address previous planners & neighbours’ concerns (21/01574/OUT) on heights of trees and potential damage to roots, ‘quote *‘the large Lombardy poplars along the north-east boundary of the site are sizable and there is concern that their root protection areas will be impacted upon depending on where their dwelling would be constructed.* Notes need arboricultural impact assessment ‘on future application’.
- **Annex 5** Great consideration was applied to alleviate concerns with the offsite poplars in the planning application and with that Arboriculturist reports. This was to address planners & neighbours previous concerns raised on application (21/01574/OUT) and residents, and PCC’s tree officer. Mitigation was evidenced in the Arboriculturist reports: root protection areas, construction areas variation of 3 site options, with piled foundations to avoid root damage bearing in mind this is for ‘offsite poplar trees’ all independent arboriculturist reports went to great length to note options, root protection on foundations and cellular confinement systems ‘for protecting soils and tree roots’ for hard surface areas access drive and parking. This was to protect trees from any risk to damage and are all justified and proven construction methods when building near root protection areas. This also is in line with a Description of these trees could’ offer a further 20 to 40 years contribution, with good screening and wildlife habitat potential, and are of a benefit to the local landscape. This could be achieved inline with the remainder of the report, and the proposed dwelling can work in harmony with this when using special construction methods.
- As evidenced in the independent Arboriculturist report, loads of dead branches lack of maintenance, and confirmed by PCC tree officer and I quote: *The trees in question have numerous dead branches throughout the crowns, typical of the species and age of the trees, as I have acknowledged in the past, which may present a risk to adjacent landowners/occupiers. This is for the landowners to address, not the council.* So as a summary, its clear these trees are not maintained, conclusion from independent Arboriculturist report and PCC tree officer. So, applying a TPO, will make it ever more onerous to carry out maintenance, which will result in non-maintenance or a serious injury or property damage before action is taken. As I have previously stated there is a duty of care, and I have made this very clear – PCC does have a high hedges and trees policy which cover boundary trees/hedges.
- The planning application, 22/01542/out Section R3 – notes an element of the rejection of planning application is down to the TPO – even though trees should not be a reason for rejection. Especially off-site trees, with suitable protection methods as covered in the requirements highlighted by the previous planning application in 2021 and evidenced in the 2022 conclusions for acceptable mitigating methods.

Outcome recommendation

No TPO's to be applied.

TPO – to be removed from planning application ref: 22/01542/OUT – with no concerns moving forward on any new planning applications.

Poplar Trees from a safety aspect should be reviewed by PCC and exempt from TPO, and a decision on long term maintenance issued by one of PCC's recommended tree surgeons. Due to the animosity caused with neighbours this cost should be attributed to PCC. This is to ensure safety of residents, properties and the safeguarding of children that attend the nursery which is a place of work under a duty of care. Thus, allowing everyone to feel safe and enjoy their outside space.

I am in process of and will be raising an appeal for the whole planning application to the incorporate inspector, including the issued of the TPO on the Poplar trees off site.

N.B. 2021 Application - view of Peterborough City Council
Historic, Environment Management - No objection to public
Amenity Value.

02/11/2021

Email - Plng Control Enquiries - Outlook

Natural & Historic Environment Management - Peterborough City Council

Tel: 01733 453430



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-----Original Message-----

From: planningcontrol@peterborough.gov.uk [mailto:planningcontrol@peterborough.gov.uk]

Sent: 15 October 2021 07:58

To: Michael Britton <michael.britton@peterborough.gov.uk>

Subject: Planning consultation notification 21/01574/OUT

Dear Michael

Please find correspondence from Planning Services at Peterborough City Council attached to this email in relation to the following application for Outline Planning Permission.

Proposal: Contruction of a single storey dwelling with all matters (appearance, landscaping, layout and scale) reserved

Site address: 5 Sheridan Road New England Peterborough

Reference: 21/01574/OUT

Planning Services

Peterborough City Council

Sand Martin House, Bittern Way, Fletton Quays, Peterborough PE2 8TY

T: 01733 453410

E: Planningcontrol@peterborough.gov.uk

W: www.peterborough.gov.uk/planning

02/11

02/11/2021

Email - Png Control Enquiries - Outlook

RE: Planning consultation notification 21/01574/OUT - 5 Sheridan Road New England Peterborough - Construction of a single storey dwelling with all matters (appearance, landscaping, layout and scale) reserved

Michael Britton <michael.britton@peterborough.gov.uk>

Tue 02/11/2021 11:57

To: Png Control Enquiries <planningcontrol@peterborough.gov.uk>

Cc: James Collingridge <James.Collingridge@peterborough.gov.uk>; Paul Robertson <Paul.Robertson@peterborough.gov.uk>; Darren Sharpe <darren.sharpe@peterborough.gov.uk>

Hello Jack

Thank you for consulting us, please see our comments on the form below:

**PCC - OPEN SPACE MANAGEMENT
PLANNING COMMENTS**

From: M.Britton – Senior Landscape Technical Officer
To: Case Officer – Jack Gandy

Application: 21/01574/OUT
Proposal - Construction of a single storey dwelling with all matters (appearance, landscaping, layout and scale) reserved
Location - 5 Sheridan Road New England Peterborough

Recommendation: No Objection

Comments:

I can confirm the Application falls below the threshold for the requirement of offsite POS (non-Strategic) PCC Section 106 Contributions.

Furthermore as the Application would appear to not affect any existing Public Open Space or Amenity Landscaping we have no comments to make.

Many Thanks - Michael

Michael Britton
Senior Landscape Technical Officer

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 6 FEBRUARY 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

MATURE LOMBARDY POPLARS

1 Executive Summary

- 1.1 Tree Officers have recorded a spate of incidents concerning mature Lombardy Poplars and no longer have confidence that visual or internal testing is capable of identifying decay and likelihood of risk. As a consequence it is recommended that all mature Lombardy Poplars should be felled and a replanting programme take place. This will affect 251 trees owned/managed by the Council, 105 trees owned by Herts Highways but managed under agency agreement by the Council and others on parks and open spaces owned by the Council.

2 Recommendations

- 2.1 That Cabinet agree to fell and grind out the stumps of all mature Lombardy Poplars in the borough over the course of the 2018/2019 financial year.
- 2.2 That Cabinet commit to replant appropriate new species of trees in place of the felled mature Lombardy Poplars over the coming years, as part of the Welwyn Garden City 2020 Centenary and Hatfield 2030+ Renewal projects.
- 2.3 That a full communications plan be prepared and frequently asked questions section be added to the website to explain the decision and the felling process to the public and other interested parties.
- 2.4 That a detailed risk-based felling schedule be prepared by the Landscape and Ecology Manager, Risk and Resilience Officer and appointed tree contractors.

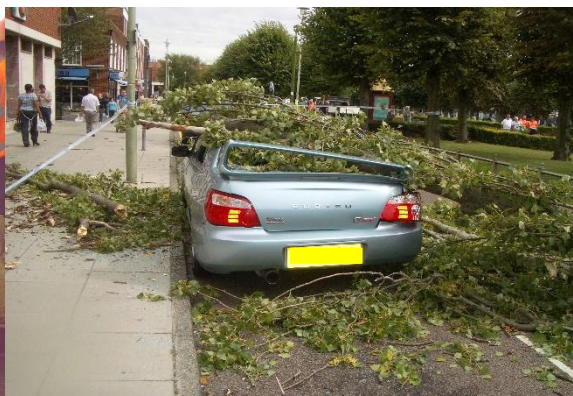
3 Explanation

- 3.1 The Council is currently responsible for about 30,000 individual trees around the borough alongside tree belts, orchards and woodlands.
- 3.2 The Trees and Woodlands Strategy sets out that the Council will inspect all individual trees on a three year cycle. Tree Officers carry out a visual inspection of each tree to judge its condition and to look for signs of decay and disease. Where issues are found, tree officers will then look more carefully at other trees of the same species and similar age to judge whether it is a recurring problem.
- 3.3 Since 2009 there have been a number of incidents affecting mature Lombardy Poplars: a tree fell across Bessemer Road in 2009 and was found to be rotten at the base; a tree fell on a car in Howardsgate in 2009 and was also found to be rotten at the base; a large branch fell in Parkway in 2017; a tree fell in Longmead

in 2017 and was found to be rotten at the roots; and most recently a tree hit damaged cars at Howicks Green and was found to be rotten at a height of 3 metres. Tree officers began to combine visual and internal testing as a result of the 2009 incidents, but in all subsequent incidents there was no indication prior to its failure that tree was decayed or diseased.



Bessemer Road



Parkway



Longmead



Howicks Green

- 3.4 These failures have been entirely unpredictable and in some cases weather-related occurrences and proportionate to the number of incidents associated with other species of tree. The Howicks Green incident however has highlighted new risk factors with this tree species that it is now necessary to take into consideration.
- 3.5 Lombardy Poplars are judged to be mature when between 70 and 90 years old. One of their characteristics is that the wood becomes very brittle with age, and this causes them to split and lose branches in high winds more readily than other species. They also have a propensity to internally decay without any outward signs. Lombardy Poplars were used extensively as part of the early landscaping plans for Welwyn Garden City and Hatfield (as they were judged to be similar to church spires that would generally be lacking) and are planted in many prominent places around the towns.
- 3.6 All of the above means that mature Lombardy Poplars pose a high risk, and tree officers are no longer confident that visual inspections, regardless of frequency, or even internal testing, can successfully identify decay or likelihood of risk. For this reason their professional advice is that all mature Lombardy Poplars in the borough should be felled.

4 Legal Implications

4.1 Case law generally indicates that the Council will not be held liable for incidents where it has a published best practice strategy and where investigations are undertaken by qualified officers in accordance with that strategy.

4.2 This should however be taken in the context of:

Section 3.1(b) of the Management of Health and Safety at Work Regulations 1999 which states that every employer shall make a suitable (appropriate & relevant to the situation) and sufficient (taking into account best practice and advice as well as Approved Codes of Practice/Guidance along with legislative requirements) assessment of the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking.

Section 1(3) of the Occupiers Liability Act 1984 which states that the duty is owed when the occupier is aware of the danger, or has reasonable grounds to believe it exists, knows or has reasonable grounds to believe that the trespasser is near or may come to be near the danger and the risk is one which an occupier may reasonably be expected to protect visitors from.

4.3 This situation may be tested however where tree officers are no longer confident that visual and internal testing can identify decay and likelihood of risk.

4.4 A number of recent cases have highlighted that a more frequent inspection regime may be appropriate for 'at risk' trees and trees in 'at risk' locations. This is currently being considered by tree officers as part of the emerging Trees and Woodlands Strategy and is scheduled for debate at Environment Overview and Scrutiny Committee (EOSC) in March 2018.

5 Financial Implications

5.1 It is estimated that the cost of felling and grinding out the stumps of all mature Lombardy Poplars in the borough is approximately £200,000. This comprises 251 trees owned/managed by the Council, 105 trees owned by Herts Highways and managed by the Council and at least 51 trees on parks and open spaces such as Stanborough Park.

5.2 It is estimated that the cost of purchasing, planting, maintaining and watering replacement trees for three years is approximately £63,000.

5.3 Discussions will take place with Herts Highways in respect of them covering the costs of felling and replanting their trees.

5.4 Once the detailed work programme is determined, it will be reported to the Executive Board along with the final budget implication. It is likely that the cost will be funded from the Council's reserves.

6 Risk Management Implications

6.1 The corporate Risk Register currently identifies "falling trees causing damage to people, property, open space, street, etc" and ranks it as 'low likelihood' and 'high impact'. In addition a new risk has been added specifically for mature Lombardy Poplars with a rank of 'high likelihood' and 'high impact'.

- 6.2 Officers are still investigating the age and condition of Lombardy Poplars in parks and open spaces owned by the Council. Depending on the outcome of these investigations it may necessitate an increase to the estimated expenditure and/or an addition to the detailed risk-based felling schedule.
- 6.3 Lombardy Poplars are particularly synonymous with Welwyn Garden City and appear on the logo of the Howard Centre and the Town Centre BID. As a result this will be considered as part of the communications strategy.
- 6.4 Tree officers will identify suitable alternative species for replanting based on the circumstances of the site and its surroundings.

7 Security and Terrorism Implications

- 7.1 There are no security or terrorism implications associated with this report.

8 Procurement Implications

- 8.1 The current tree management framework contract allows the Council to tender work on a cascade system.

9 Climate Change Implications

- 9.1 There are no climate change implications arising from this report, other than the general acknowledgement that trees help to reduce climate change by absorbing carbon dioxide.

10 Link to Corporate Priorities

- 10.1 The subject of this report is linked to the Council's Business Plan 2015-2018 and particularly Priority 1 to maintain a safe community, Priority 2 to protect and enhance the environment and Priority 5 to provide value for money.

11 Equalities and Diversity

- 11.1 An Equality Impact Assessment (EqIA) was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

Name of author	Ann MacDonald
Title	Landscape and Ecology Manager
Date	January 2018



09 SEP 2021

[Parks](#)

Work to Protect Lombardy Poplar Trees at Christchurch Meadows Begins this Month

- **Lombardy poplars in Christchurch Meadows require tree work to ensure they can be safely retained**
- **Work will start next week to prolong the longevity of the older trees**

WORK to protect the row of landmark poplar trees along the eastern boundary of Christchurch Meadows will begin this month.

The line of Lombardy poplars along the George Street frontage of Christchurch Meadows require tree work to ensure they can be safely retained.

Many of the trees in this area are believed to be almost 40 years old and are coming to the end of their natural life (this species tend to live between 30 to 50 years). This type of tree is also prone to snapping, and given the size and location of these trees, they will need to be reduced to a safer height from their current height of 18-22m.

Although some of the older trees are beginning to fail, the Council's succession planting programme for this line of trees, initiated over seven years ago, has taken into account the

limited life span of these trees and planned ahead for the future. 34 new poplar trees were added in 2014 and the majority of these are growing well. It is hoped the new healthier trees will eventually become the dominant ones along the row.

Since the majority of the trees are still healthy they will only be reduced to around 15m in height. The entire row has been successfully reduced to a similar height previously, so this is an appropriate height for them to begin regrowth again.

Where significant decay has been identified, a small number of trees will need to be reduced to a safer height of 5m to spur their healthy re-growth and over the longer term to catch up to the height of the rest of the trees.

Work will therefore need to start next week (13 September) while the weather and ground conditions are favourable. At the same time, work will be carried out to the lone poplar at the end of Wolsey Road, which is also showing signs of decay.

Similar work was carried out previously to a number of other poplars to the north of this area, which have now regrown.

Cllr Karen Rowland, Reading's Lead Councillor for Recreation, said: *"I'm heartened that we continue to monitor and care for this line of Lombardy Poplars, along the edge of our much-loved Christchurch Meadows. The stand of trees form a striking and much-loved landmark for views from within Reading and all along the Thames. We know that a number of these majestic trees are sadly coming to the end of their natural life – something we began to proactively plan for back in 2014 when we planted 34 new poplars here as part of an intentional succession planting programme to ensure this line of trees remains for the future.*

"We are also doing everything we can to prolong the longevity of the older trees with this latest round of height reduction. Given their location within a public area and next to a busy main road, we also have safety at the forefront of our minds.

"Although thankfully the majority of the poplars do not have a problem with decay, the entire line of poplars will need to be reduced to the same height, as the canopy effectively works as one in shielding from wind shear and other natural forces. Following this necessary work, the line of trees will be around 15 meters in height. Whilst this may initially look different, it is very much in the trees' interests and in time they will regrow up again to their current height. We will then need to carry out this similar height reduction again, or once every 3-5 years. Our expert tree officers will continue to monitor the poplars in this area to ensure their survival for many years to come. Importantly, the habitat, ecological and environmental benefits they offer will remain.

"The really good news is that of the new poplars we planted seven years ago, the majority are thriving and will hopefully soon take over as the dominant trees in this area, should the older poplars fail. This well-planned replanting work has meant we can renew what is a significant landscape feature in the area.

"This work links to our wider tree strategy, which details how we will manage and maintain our own trees, as well as undertaking our duties in terms of protection of trees and ensuring new trees are planted as part of developments in the town. The new strategy aims for 3,000

new trees on Council land by 2030, as well as increasing the proportion of land in Reading which is covered by tree canopy to 25% over the same timescale.”

Over the last decade, the Council has planted over 200 new trees every year, with the final total for the 2020-21 season reaching 351 – which exceeds the 330 trees planted during the Queen’s Jubilee year of 2012.

The tree planting has attempted to increase the diversity of the tree varieties across Reading – including trees ranging from oaks to rowans, and limes to pines. This is an important part of the Council’s new Tree Strategy – and a crucial step in its response to tackling the climate emergency.

ENDS

Notes to editors

Notes to Editors

The Council’s Tree Strategy and Biodiversity Action Plan can be viewed on the Council’s website at:

- Tree Strategy www.reading.gov.uk/planning/trees
- Biodiversity Action Plan <https://www.reading.gov.uk/planning/reading-biodiversity-action-plan>

Long Term Management
Poplar trees

From: Caroline Hall <caroline.hall@jeppia.com>
Sent: 08 December 2022 09:51
To: Clark, David (SI EP PE ELEC S CSW-8)
Subject: Re: FW: 5 Sheridan road, tree plan report (option)

Do you want me to add a paragraph about option 3?

About the Poplars, if the tree officer noticed in my schedule, there are no preliminary management recommendations. Long term management that I put down was to address safety concerns raised in previous correspondence from planners. It is not ideal to top trees in this way I agree, though it is a practice quite commonly used for these type of trees. Alternatively they could simply be removed.
I consulted with another arboriculturalist about this and they agreed entirely with me.
The trees are not the rarer Black Poplar, they are a specialist hybrid of the cultivar Lombardy Poplar, a Mediterranean tree, and a further subspecies to create a tree more suited to Northern European climate. They have distinct landscape value in the right setting, but they are not a native tree as the correspondence via planning is indicating.

Let me know if you would like me to amend the ALA.

Caroline

Caroline Hall, Arboriculturalist

BSc (Hons) Tech Cert (Arbor A)

07947 653004



Arboricultural Implications Assessment for proposed new development at 5, Sheridan Road, Peterborough - Update March 2023

Site: 5, Sheridan Road, Peterborough PE1 3LG

Commissioned by: Mr David Clark

Date: July 2022, updated March 2023



Contents

- 1. Instructions**
 - 2. Limitations of this report**
 - 3. Tree inspection and site information**
 - 4. Arboricultural implications**
 - 5. Conclusions**
- References**
- Contacts**

APPENDICES

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TREE CONSTRAINTS PLAN

ARBORICULTURAL IMPACT ASSESSMENT

CELLULAR CONFINEMENT NOTE



Section 1

Instructions

- 1.1 This report was commissioned by Mr David Clark.
- 1.2 The client has commissioned the report to assist an outline planning application in respect of a new dwelling situated within the grounds of the above property.
- 1.3 The report will contain an Arboricultural Impact Assessment showing three proposed layout options, the preferred one to be confirmed under reserved matters.
- 1.4 Inspection date: 17th June 2022.
- 1.5 Inspected by Caroline Hall (Tech Cert (Arbor A)) – arboriculturalist.

Section 2

Limitations of this report

- 2.1 As trees are living plants their health and condition can change both by forces of nature, intervention by people or vehicles, and with the seasons. For this reason, the recommendations in the report are valid for one year only.
- 2.2 The trees were examined from ground level and to the guidance in BS5837:2012, thus trees with a stem diameter below 75mm at 1.5m from ground level are not included within the appraisal.
- 2.3 Soil samples were not taken during the survey. Engineering solutions in relation to foundation design are outside the scope of this report.
- 2.4 The report takes into account the site as laid out at the time of inspection. Any additional structures, alterations or extensions to buildings, altering of soil levels or trenching, without consultation, could render the report on the surveyed trees void.
- 2.5 Preliminary management considerations have been included within the Tree Schedule, and are regardless of the development, however, no tree should ever be regarded as completely safe or free from risk. Trees are dynamic, living

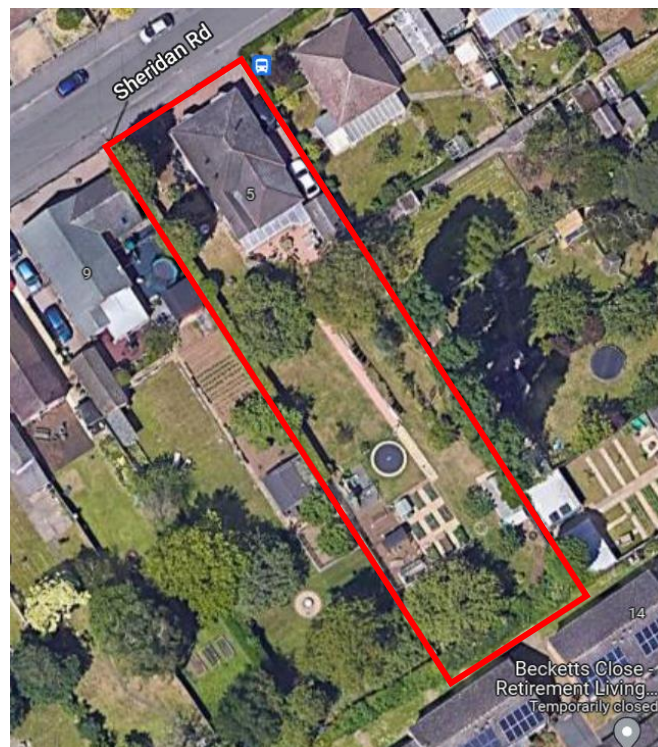


organisms subject to change and the physical and environmental conditions that surround them.

Section 3

Tree Inspection and Site Information

- 3.1 The trees were surveyed in relation to the guidance in the document BS 5837:2012-*Trees in Relation to design, demolition and construction – Recommendations*, and assessed to the criteria accompanying the survey sheet appended to this report. This update follows the removal of two fruit trees which were present at the time of the initial inspection.
- 3.2 The site is presently part of a residential dwelling with a large garden, which is proposed for development. The site is bordered with residential gardens to the south, east and west sides, and served by a driveway from the public highway from the north of the property. The area proposed for development has been used as a residential garden, and is landscaped with shrubs and trees.
- 3.3 A search to the local planning authority revealed that the site is not within a conservation area, and no trees within the proposed development area are protected under a TPO.





Section 4

Arboricultural Implications

- 4.1 11 trees form the basis of this assessment, 6 trees within the site and a further 5 off-site trees. Of these, 5 trees have received the classification of “B”, due to their present condition and expected future contribution, and 6 trees are classed as “C”, due to their expected longevity, and landscape value.
- 4.2 Trees classified as “B” are the 5 off-site Poplar trees. These trees have the potential to offer a further 20 to 40 years contribution, with good screening and wildlife habitat potential, and are of benefit to the local landscape. These trees are recommended for retention, any losses in respect of the development to be replaced within landscaping proposals.
- 4.3 Trees within the garden are managed for fruit production, screening and amenity contribution to the surrounding area. Preliminary management considerations are aimed at maintaining these trees under present conditions only, and may require a re-assessment should a change of land use lead to increased footfall or vehicular use.
- 4.4 The trees classified as “C” would not normally pose a constraint to the development, however, it is recommended that any losses be considered in terms of wildlife habitat potential. These consist of Fig, Plum, Walnut and Olive. These trees are situated within the site as part of the garden landscape and are not widely visible from publicly accessible areas.
- 4.5 **Layout Proposal 1**
- 4.5.1 Construction of Layout Proposal 1 for a new dwelling and associated driveway will necessitate the removal T5 Plum, a “C” category tree.
- 4.5.2 In addition to this, the parking space impacts upon the Root Protection Area (RPA) of T9, T10 and T12, the off-site Lombardy Poplar trees. This encroachment may be mitigated via specialist “no-dig” construction methods aimed at preserving the roots and surrounding soil, preferably by use of a cellular confinement system with granular infill, designed to accept the vehicular weight of vehicles likely to use the space.
- 4.5.3 The proposed bungalow footprint is almost wholly within the RPA of T10, T12 and T13, Lombardy Poplars. These trees are under third party ownership, and it is recommended that alternatives to their removal be a preferable



consideration. The trees receive the retention category “B”, and though they have moderately impaired quality, they are of considerable stature and widely visible from the surrounding area. It may be possible to construct the new dwelling using pile and beam methods rather than traditional strip foundations, which would not be a suitable method within the potentially affected RPAs of these trees. As foundation design is outside of the scope of this report, this advice is best sought via the engagement of a structural engineer.

4.6 **Layout Proposal 2**

4.6.1 An alternative layout is included within the proposed sketch plans appended to the end of this report. The proposal entails repositioning the building to the south of the site, and away from the RPAs of the Lombardy Poplars, T9, T10, T11, T12 and T13.

4.6.2 Construction of this proposed layout will not lead to the loss of any of the trees.

4.6.3 Layout of the parking space will encroach upon the RPAs of T9, T10 and T12, and mitigation methods as described within 4.5.2 above may be applied. This parking space could be moved, however, there are limited alternative positions that would not encroach RPAs.

4.6.4 There is a minor encroachment into the RPA of T13 with this layout, this is considered to be tolerable.

4.7 **Layout Proposal 3**

4.7.1 A further proposal, option 3, is L-shaped in design, and thus avoids any encroachment into the RPA of any of the Poplars.

4.7.2 The proposal will not lead to the loss of any of the trees.

4.7.3 Encroachment by the vehicular turning space over the RPA of the Poplars to be mitigated via specialist construction methods, for example, the use of cellular confinement with a granular infill, as described in 4.5.2. This will be further specified within the Arboricultural Method Statement.

4.7.4 There is a minor encroachment into the RPA of T3, this is considered to be tolerable. The tree is classed “C” and would not normally pose a constraint to a development.

4.8 The site can be accessed from the existing driveway. This driveway will form the construction site access and egress throughout the course of the project.



- 4.9 The site is presently screened from neighbouring gardens and the wider area by fencing, built structures and landscaping on all sides. Should the dwelling be constructed as per the second or third layout proposal, additional landscaping may be required as a screen to the southern boundary. While tree cover options are limited within a confined space, it is possible that this could be achieved with pleached or espalier trees, or climbing shrubs. This proposal also offers a garden area that is in front of the dwelling, thus allowing beneficial planting space between this and the existing house.
- 4.10 Any vegetation removed in preparation for the new development should be considered for their loss to wildlife habitat, and it is recommend any replacements be of suitable alternative species and in keeping with the local landscape.
- 4.11 The aspect of the new proposed dwelling to any of the three layout options is such that the mature Poplar trees are likely to shade the garden over the early part of each day, and leaf litter and tree debris will continue to fall over the garden and new driveway and parking area.
- 4.12 All of the trees will require protection during construction. This can be addressed in full within an Arboricultural Method Statement.

Section 5

Conclusions

- 5.1 Three alternative proposals have been considered for their impact upon the surrounding trees, and the potential for a new dwelling to co-exist with the present landscaping.
- 5.2 Layout option 1 will require the use of specialist construction methods for both the driveway parking space and foundations of the dwelling.
- 5.3 Layout option 2 will require specialist construction methods over the driveway parking area.
- 5.4 Layout option 3 will require specialist construction methods over the driveway parking area.
- 5.5 With regard to aspect, layout option 1 would offer a south facing garden, with greater opportunities for screening from surrounding properties than option 2 or 3, which both would have a north facing garden with space for screening from the existing dwelling.



- 5.6 It is possible to add additional landscaping within the site as screening from the surrounding area, and between the two properties on site.
- 5.7 There should be no significant loss to the landscape when the plot is viewed from the wider area, as the mature Poplars are recommended for retention.
- 5.8 An Arboricultural Method Statement details how construction can be executed with minimal disruption to the retained trees. The site has vehicular access from the driveway, and as there is limited on-street parking all construction operations are required to be carried out within the site. Details of construction methods near trees will be submitted with full plans.



References

BS5837:2012 - *Trees in relation to design, demolition and construction – Recommendations*

BS3998:2010 - *Tree work Recommendations*

European Tree Pruning Guide 1999

The Body Language of Trees – Claus Mattheck and Helge Breloer

Manual of Wood Decays in Trees – C Mattheck and K Weber

<http://www.forestry.gov.uk>

NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Issue 2

<https://nhbc-standards.co.uk/4-foundations/4-2-building-near-trees/>



Contacts

Name	Organisation	Email	Phone
David Clark	Property Owner	david.clark@electrium.co.uk	07711 046778
Caroline Hall	Arboriculturalist	carolinexhall@gmail.com	07947 653004



Appendices

TREE SCHEDULE

TREE CONSTRAINTS PLAN

ARBORICULTURAL IMPLICATIONS ASSESSMENT – LAYOUT PROPOSAL 1

LAYOUT PROPOSAL 2

LAYOUT PROPOSAL 3

CELLULAR CONFINEMENT NOTE

TREE SURVEY SCHEDULE



Tree no	Species	Height (m)	Stem diameter at 1.5 metres (mm)	Radius of nominal cir/ce	Root Protection area m ²	Branch Spread (m)	Height of Crown Clearance (m)	Age/Class	Physiological Condition	Structural Condition	*Preliminary Management Considerations	Estimated Remaining Contribution (years)	Category/Grading
T3	Fig <i>Ficus carica</i> (multi stem)	3	120, 160, 100, 100, 100	3.2	32	N1.5 S1.5 E1.5 W1.5	1.5	M	FAIR - regrown topped tree, sparse crown, tight fork	FAIR - branch stubs, pruning wounds, minor branch decay, exposed roots	NONE	10-20	C2
T4	Fig <i>Ficus carica</i> (multi stem)	3	100, 140, 130	2.6	21	N2 S2 E2 W2	1.5	SM	FAIR - regrown topped tree, minor bark cracks	FAIR - tight fork at base, pruning wounds, branch stubs, minor dead wood	NONE	10-20	C1
T5	Plum <i>Prunus domestica</i> (multi-stem)	3.5	100, 90, 80, 70, 70	2.2	15	N2 S2 E2 W2	1.5	SM	GOOD - typical of age and species, regrown topped tree, minor bark wound	GOOD - multi- stemmed, branch stubs	NONE	10-20	C1
T6	Olive <i>Olea europea</i>	7	120	1.4	7	N2 S2 E2 W2	1	SM	GOOD - typical of age and species	GOOD - minor exposed roots, low branches, minor bark cracks	NONE	20-40	C1

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TREE SURVEY SCHEDULE



Tree no	Species	Height (m)	Stem diameter at 1.5 metres (mm)	Radius of nominal cirlice	Root Protection area m ²	Branch Spread (m)	Height of Crown Clearance (m)	Age/Class	Physiological Condition	Structural Condition	*Preliminary Management Considerations	Estimated Remaining Contribution (years)	Category/Grading
T7	Fig <i>Ficus carica</i> (multi stem)	3	5 x 60	1.6	8	N2 S2 E2 W2	1	SM	GOOD - typical of age and species, regrown topped tree	FAIR - branch stubs, multi-stemmed	NONE	10-20	C1
T8	Walnut <i>Juglans regia</i>	12	620	7.4	174	N5 S5 E5 W4	1	SM	FAIR - die back from top, exudate from pruning wounds	FAIR - buttressed roots, minor dead wood scattered through upper crown, decay in old pruning wounds	Remove dead wood	10-20	C1
T9	Lombardy Poplar <i>Populus nigra Italica</i> (<i>Plantierensis</i> group) (off-site)	#25	450, 800	11.0	380	N3 S3 E3 W3	2	M	FAIR - sparse crown, dead wood scattered through crown, epicormics on stem	FAIR - adjacent fence, dead wood, buttressed roots	*NONE	20-40	B2
T10	Lombardy Poplar <i>Populus nigra Italica</i> (<i>Plantierensis</i> group) (off-site)	#25	1000	12.0	452	N2.5 S2.5 E2.5 W2.5	2	M	FAIR - sparse crown, dead wood scattered through crown, epicormics on stem	FAIR - adjacent fence, dead wood, buttressed roots	*NONE	20-40	B2

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TREE SURVEY SCHEDULE



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Tree no	Species	Height (m)	Stem diameter at 1.5 metres (mm)	Radius of nominal cir/ce	Root Protection area m ²	Branch Spread (m)	Height of Crown Clearance (m)	Age/Class	Physiological Condition	Structural Condition	*Preliminary Management Considerations	Estimated Remaining Contribution (years)	Category/Grading
T11	Lombardy Poplar <i>Populus nigra Italica</i> (Plantierensis group) (off-site)	#15	400	4.8	72	N2.5 S2.5 E2.5 W2.5	2	M	FAIR - sparse crown, dead wood scattered through crown, epicormics on stem	FAIR - adjacent fence, dead wood, buttressed roots	*NONE	20-40	B2
T12	Lombardy Poplar <i>Populus nigra Italica</i> (Plantierensis group) (off-site)	#25	1000	12.0	452	N2.5 S2.5 E2.5 W2.5	2	M	FAIR - sparse crown, dead wood scattered through crown, epicormics on stem	FAIR - adjacent fence, dead wood, buttressed roots	*NONE	20-40	B2
T13	Lombardy Poplar <i>Populus nigra Italica</i> (Plantierensis group) (off-site)	#25	1000	12.0	452	N3 S3 E3 W3	2	M	FAIR - sparse crown, dead wood scattered through crown, epicormics on stem	FAIR - adjacent fence, dead wood, buttressed roots	*NONE	20-40	B2

*Preliminary management considerations are made regardless of the development, these recommendations are based upon the site use and area upon which the trees currently stand. Should the area be developed, a re-assessment of the trees in relation to health and safety may be required.

*regarding the Poplars - longer term management consideration to address safety as indicated within the delegated report dated 15.11.2021 "if trees are made safer by the owner of 5, Sheridan Road, then no objection would be raised" two options to consider are to either top down trees to 12 metres and allow to regrow, or remove, these recommendations are not considered to be necessary at present

Key to Survey

Tree no: Number on plan

Species: Common name of tree

Height: Estimated in metres

Stem diameter: Measured in mm at 1.5 metres above ground level, multi stem values shown separately

Radius of nominal circle: Shown in metres as calculated to the guidance in BS5837

Root protection area m²: The total area in m² of the root protection area

Branch spread: Estimated extent of canopy cover, shown at each point, N, S, E, W in metres

Height of crown clearance: Estimated height of lowest branches

Age/Class: Y – Young, newly planted, self set or still supported on a stake

EST – Established, tree does not need support and is thriving

SM – Semi-Mature, within 1/3 of expected normal life

M – Mature, tree has reached maturity, and is within 2/3 of expected normal life

OM – Over Mature, tree is within the last stage of life, or is already in decline

D – Dead

Condition: GOOD – no significant defects seen

FAIR – some defects which can either be rectified, or will not have a significant impact on the health and safety of the tree

POOR – defects which can not be rectified, and could have a significant impact upon the overall health and safety of the tree

DEAD

Preliminary Management Considerations: The recommendations at this stage are purely for good arboricultural management and do not have any bearing upon the proposed development

Estimated remaining contribution – in years

Category/Grading – U – Tree is in poor condition, dead, of low arboricultural value, or may only contribute a further 10 years

A1 – Tree has high value, is a good example of its species, offering 40 years or more

A2 – Tree has high value, offers screening and landscape contribution for 40 years or more

A3 – Tree has high value, offers cultural or historical value for 40 years or more

B1 – Tree has moderate value, has a slightly impaired value, but offers 20 years or more

B2 – Tree has moderate value, has distinct landscape value, offering 20 years or more

B3 – Tree has moderate value, offers clear conservation or cultural benefits for 20 years or more

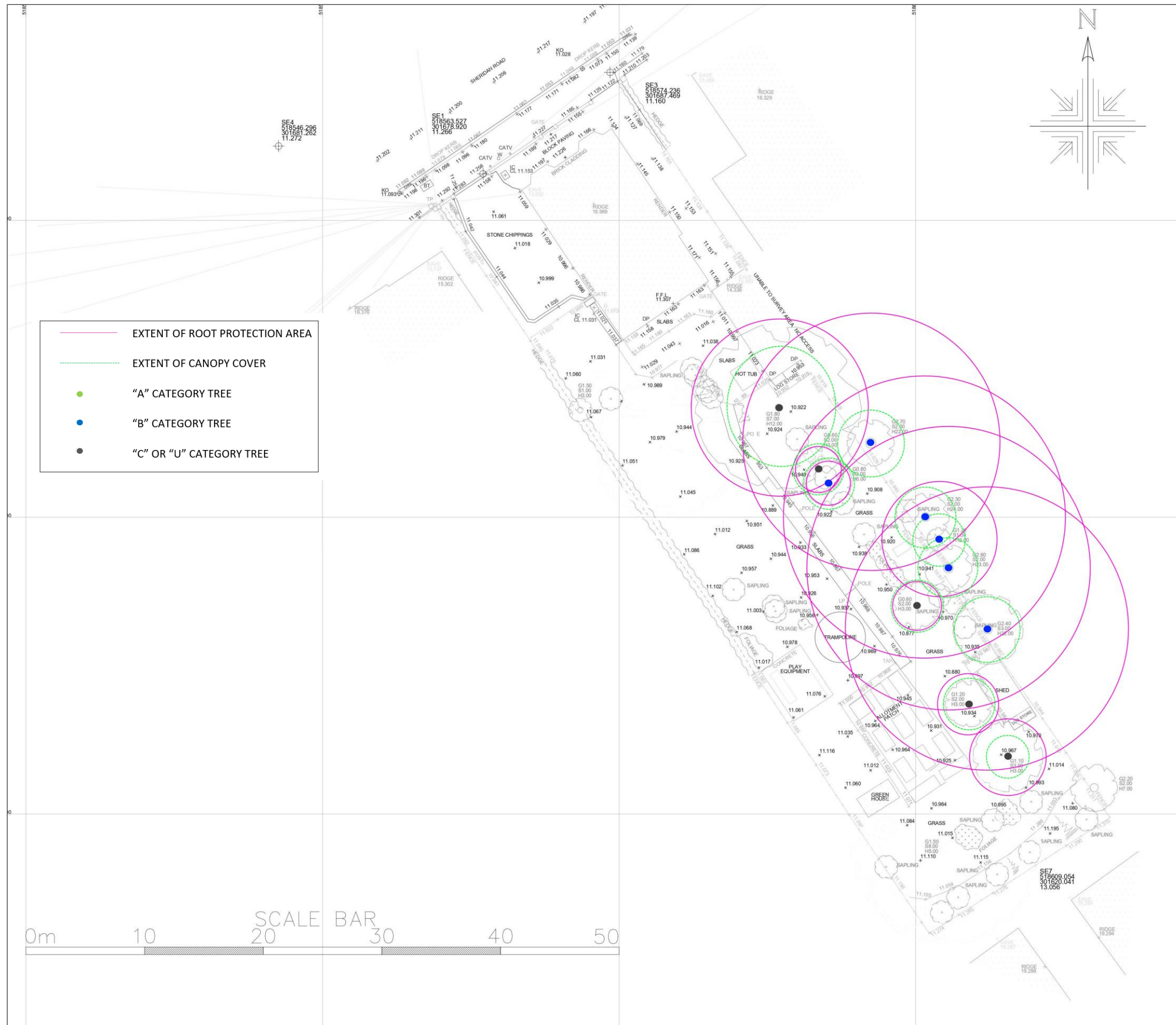
C1 – Tree is of low quality and value, offers at least 10 years but does not qualify in higher categories

C2 – Tree is of low quality and value, groups or woodlands with temporary landscape value, for at least 10 years

C3 – Tree is of low quality and value, has limited contribution in terms of landscape or conservation but offering 10 years or more

⚠ As trees are living plants their health and condition can change both by forces of nature, intervention by people or vehicles, and with the seasons. For this reason the recommendations in the report are valid for one year only

5 SHERIDAN ROAD, PETERBOROUGH
TREE CONSTRAINTS PLAN

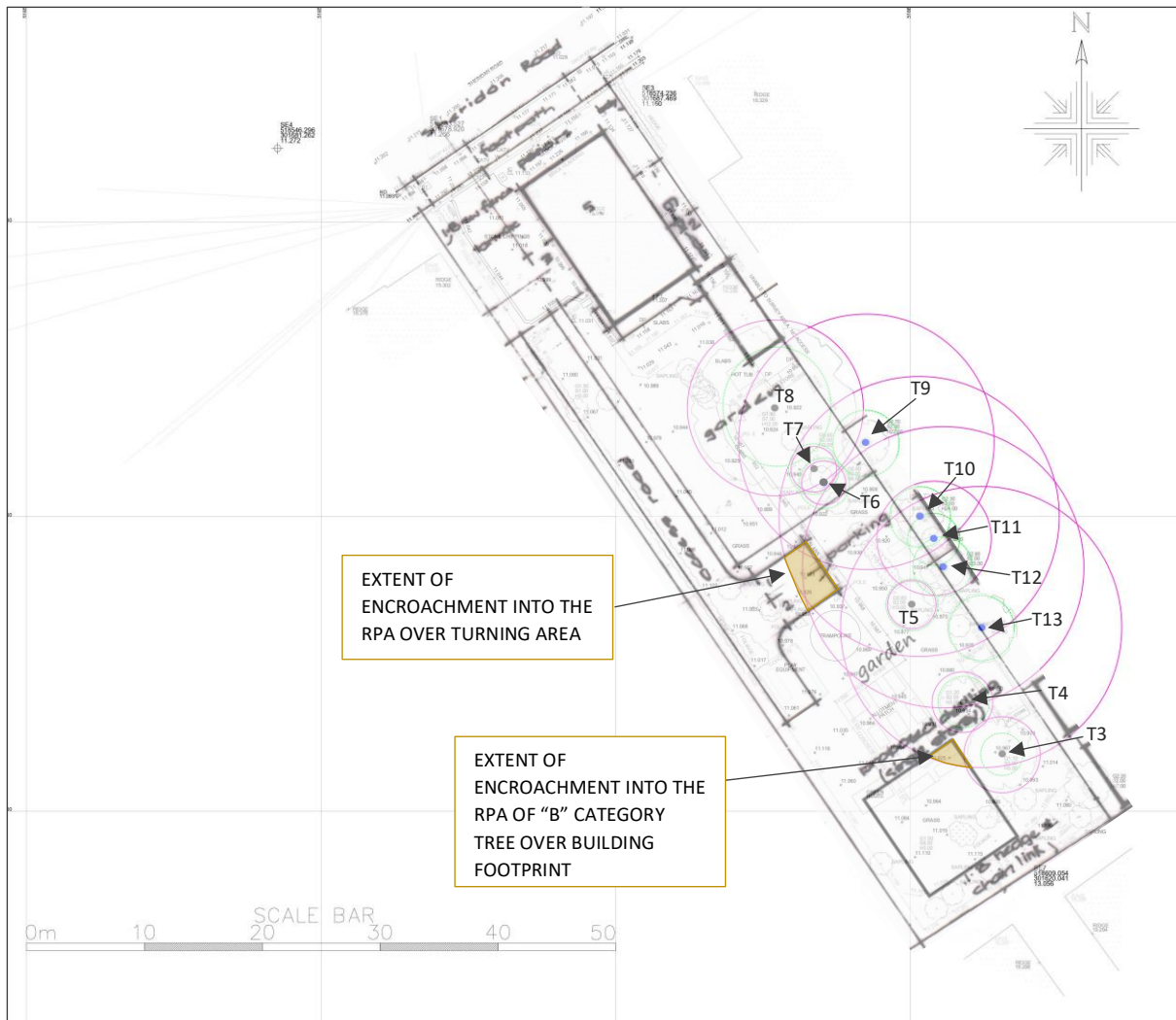


5, SHERIDAN ROAD, PETERBOROUGH
ARBORICULTURAL IMPACT ASSESSMENT – LAYOUT PROPOSAL 1



- Encroachment into driveway area may be mitigated via specialist “no-dig” construction methods
- Encroachment into building footprint may require the engagement of a structural engineer, and specialist foundations, for example, pile and beam
- Removal of “C” category tree would not normally pose a constraint to a development

5, SHERIDAN ROAD, PETERBOROUGH
ARBORICULTURAL IMPACT ASSESSMENT – ALTERNATIVE LAYOUT PROPOSAL 2



- Encroachment into driveway area may be mitigated via specialist “no-dig” construction methods
- Encroachment into building footprint is tolerable

5, SHERIDAN ROAD, PETERBOROUGH
ARBORICULTURAL IMPACT ASSESSMENT – ALTERNATIVE LAYOUT PROPOSAL 3



- Encroachment into turning area may be mitigated via specialist “no-dig” construction methods
- Encroachment of T3 into building footprint is tolerable



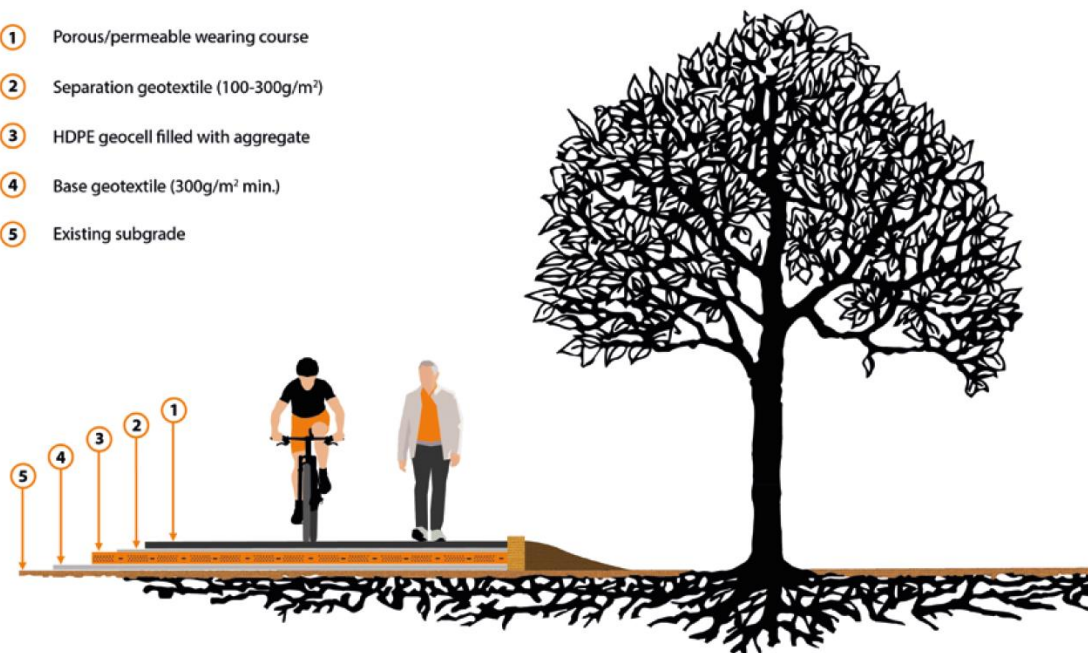
1. The use of cellular confinement systems is an effective method for protecting soils and tree root systems when new hard surfacing is required near trees. During construction, there will inevitably be some preparatory work on top of the tree root system, and as such there is an elevated risk of damage to the tree roots and surrounding soil. Careful working practices are required to minimise the effect of any root disturbance while the installation is carried out.

2. Tree roots can be directly damaged by compaction during site levelling, and use of a tracked excavator should be exercised with extreme caution. It is recommended to keep records during any excavation works, and consult with an arboriculturalist should any roots become exposed or vulnerable to damage.

3. The cellular confinement system must be filled with clean angular stone that contains no fine material. To protect the geocell membrane it is advised that geocells are overfilled by a minimum of 25mm. In order to function effectively it is crucial that all of the cells are fully expanded and filled to capacity. Therefore, if there is insufficient space for a cell to be expanded it should be cut away and discarded.

4. When cellular confinement systems are installed within tree root zones it is important that the wearing course is permeable so that air and water can reach the soil beneath. Systems should be put in place to ensure that the surface is regularly cleaned so that it maintains its porosity. The means to successfully prevent ground compaction during construction need to be planned from the conceptual stages of a building project. It may be that the no-dig surface needs to be installed and used during construction, and in other situations the ground may need to be protected until it is time to install the cellular confinement system. In this case, the project will require detailed planning to ensure suitable surfacing over the RPA is available during the project.

- ① Porous/permeable wearing course
- ② Separation geotextile (100-300g/m²)
- ③ HDPE geocell filled with aggregate
- ④ Base geotextile (300g/m² min.)
- ⑤ Existing subgrade



(No subject)

David Clark <davidjeremy1982@me.com>

Mon 17/07/2023 11:41

To:Clark, David <david.clark@electrium.co.uk>









Sent from my iPhone

R3 Trees TPO 23/00003/TPO

Please see all annex documents attached, in date order of submittals to PCC, and further correspondence. I do apologise in advance as there is a lot of information and correspondences on this subject, I have tried to lay this out as best as I can.

Previous applications

- 2010 – REF: 10/00358/OUT – No mention of trees, onsite or off site no issues
- 2011 - REE: 11/00719/OUT – No mention of trees, onsite or off site no issue
- 2021 – REF: 21/01574/OUT – Noted needs tree plan, mentioned off site trees.
- 2022 – REF: 22/01542/OUT – This application is ref, Appeal in process.

Please note during the 5-month process of the application, PCC tree officer did not attend the applicant's site as confirmed in his reports, nor entered any suitable communication. The only visit was on the 8th of March @ 101 Fulbridge road (5 months after the application was raised) and was to plot the trees and apply a provisional TPO. The vast amount of the application process has been steered around trees on and off site, without even a site visit with the applicant.

Please see all annexed information in date order re: trees on and off site. With the main issue being around the off-site Lombardy poplar trees.

PCC Application refusal re: offsite trees under.

- Local Plan Policies, including LP16 - Design and the Public Realm
- LP29 - Trees and Woodland of the Peterborough Local Plan (2019).

Rejection summary from PCC

PCC Rejection letter from planners 24.03.23. R3 re: trees 'states reason for refusal: *Quote The proposal would impact on the future health and wellbeing of the five **mature** Lombardy Poplars, from future pressures to carry out inappropriate and unnecessary pruning or felling, because of the anxiety and apprehension of future occupiers of the proposed dwelling with regard to the close proximity of the very tall Lombardy Poplars. The Lombardy Poplars are considered of amenity value and benefit from Tree Preservation Order. Accordingly, the proposal is contrary to Policy LP29 of the Peterborough Local Plan (2019).* Please note planners' rejection summary notes **Mature Poplar trees**, where PCC tree officer completely disagrees that the Lombardy poplars are mature against the arboriculturist reports.

During the process of the application 22/01542/OUT submitted 25.10.22 – 20.12.22 8 weeks deadline, no extension agreed, and decision issued 24.03.23, provisional TPO Issued 16th March 2023. The Provisional TPO was not made within 8 weeks of the application deadline.

The letter dated 16th March 23 TPO order 23/00003/TPO reason: *We have made this order to ensure the continued presence of the tree/trees on this site in the interest of visual amenity.* This letter / order notes site location of just 99 Fulbridge road and omits 101 Fulbridge road 'front page' and NB these are off site trees.

The letter dated 19th April 2023 response to my complaint of the making of the provisional TPO from PCC tree officer, states : *the making of the TPO and the protection of the trees was not the reason for refusal R3 of the above : 22/01542/OUT planning application.*

It's a bit contradictory as it's not a planning rejection, but it's written in as a planning reason for refusal. ? I do believe it will hinder and be a reason for a refusal on any future applications if this TPO is made permanent.

I was required by PCC in my (outline planning application) to provide; (topographic plan this was carried out by SE Surveys, then a tree plan, (AIA), AMS, and TPP plus an RPA which I had carried out by a Caroline Hall, an independent Arboriculturist who used to be a tree officer for Peterborough City Council.

These professional reports were issued as part of the outline planning application. These have been met with strong 'subjective' opposition by PCC tree officer. Who has disagreed with most elements of the reports of the trees i.e., on condition grading, claiming that Lombardy poplar trees are not Mature trees, and the arboriculturists recommendations.

All Arboriculturist reports, (every revision) clearly stated retention of the x5 Lombardy Poplar trees off site (All annexed). The first arboriculturist report July 22, contained under preliminary management considerations, '**None – long term management consider to top-down trees to 12 meters and allow to re-grow, remove dead wood**'. The comments were to address previous planning application: planners' comments and concerns 'very tall' on application 21/01574/OUT and concerns from neighbours". make safe due to overpowering size. I.e., (Heights confirmed below, from Topographic survey)

This was the salient point we believe for the tree officer, as this was rejected by the tree officer as 'topping of Lombardy poplars' he feels is not modern arboricultural practice. This I feel is the justification reason for the TPO from PCC tree officer. However, it has clearly been misread, and I have tried on many occasions to point this out. However, that is being ignored, and he feels these trees are at risk. N.B. To elevate this concern, the Arboriculturist reports were updated and re-submitted with under preliminary management considerations, on Lombardy Poplar trees off site '**None' Dec 22 & March 23.**

N.B. PCC tree officer later concurs in a letter 19th April 23 TPO:23/00003/TPO Quote: *However, there may be a need to reduce the trees in height in the future, should their condition decline*'. Which is what the first arboriculturists report 'July 22' denoted! The changed arboricultural reports to 'Preliminary management considerations, on Lombardy Poplar trees off site '**None' reports Dec 22 & March 23 to elevate any concerns** of the tree officer. Throughout the whole planning application, it is clear the reports have been misread or mis interpreted. This is very clear throughout all correspondence from applicant and neighbours 99 Fulbridge road & 101 Fulbridge road that the Lombardy poplar trees are for retention. To which were never at risk, thus applying a provisional TPO under risk of amenity & '*unnecessary pruning or felling*' is unjust. Even if the tree officer concluded they need topping to 12 meters, the Lombardy poplar trees would still offer Amenity value. As the height at 12 meters, these would still be seen from surrounding streets due to surrounding bungalows.

Note: I had referenced other local authorities and asked the arboriculturist to consult re: Topping of Lombardy poplar species as PCC tree officer noted this is against modern practices. The arboriculturist notes: '*Quote: It is not ideal to top trees in this way I agree, though it is a practice quite commonly used for these type of trees. I consulted with another arboriculturalist about this, and they agreed*

entirely with me. This is a 'Subjective matter' ref: arboricultural email 31.03.23 annex 35, and that of other Councils Reading BC & Welwyn Hatfield BC reports. However, to elevate concerns and highlight to the tree officer, it was noted in bold and in all submitted updated Arboriculturist reports re: Lombardy Poplar trees off site: under preliminary management considerations, '**None**'. Dec 22 & March 23 ref: annex 38 & 39.

All these arboriculturist reports of which went to great lengths to highlight mitigation and protection measures such as: Including various options to planners on site layout plot options x3; proposals of pile foundations where near root protection areas, to work around the off-site Lombardy Poplar tree's Root protection areas, on all options specialist construction "No dig" on any driveway and parking areas. This was to protect the off-site trees and to retain these trees – however all this has been disregarded, and proceeded to be noted that the offsite Lombardy Poplar trees were at risk of removal and topping 'when they clearly were not at risk' quite the contrary to both removal and topping.

NB. No comments have been made against the arboriculturist report recommendations in supporting suggesting protection measures by the applicant. By either planners and or PCC tree officer i.e., so conclude these are acceptable i.e., on root protection measures, the use of cellular confinement systems is an effective method for protecting soils and tree root systems when new hard surfacing is required near trees. Encroachment into building footprint engagement of a structural engineer, and specialist foundations, for example, pile and beam. The 3 site options to work around the off-site trees giving planners and tree officer options. (All of which have been provided within the application, there has not been engagement to work with the application and how to best address the site).

I had soil sampling carried out for future site tests on foundations for root protection areas of off-site trees and drainage suds at full planning stages.

Further references: Topographic survey Lombardy Poplar Heights mapped. See topical survey.

- G2.70 = Height 22 meters
- G2.30 = Height 24 meters
- G1.20 = Height 12 meters
- G2.60 = Height 23 Meters
- G2.40 Height 22 Meters

All 4 planning applications on the same site, going back to April 2010 have never once alluded to removal of these trees nor has this been an issue to date.

- Amenity (Reason for TPO) quoted re Poplar trees – The subject of amenity throughout this planning application, all in writing by PCC was described in the early part as 'some public amenity value' by planners in application 21/01574/OUT, then PCC tree offers 'to amenity value 29th Nov 22', 2nd March Amenity value quoted to 'significant amenity value 17.03.23' report 2nd report same day 17.03.23 back to 'amenity value' & 19th April amenity value'. Provisional TPO issued 16.03.23. We do feel the word Amenity has been stretched in context from some amenity value at the start of the application to signification on the day after the TPO was issued to justify the making of the TPO.
- *Power to make a TPO 3.1 LPAs, may make a TPO if it appears to them to be 'Expedient in the interest of amenity to make provision for the preservation of trees or woodlands in their area'. 3.2 The act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. The in secretary of States view. TPO's should be used to protect selected trees and woodlands **if their removal would have a significant impact on the local environment and its enjoyment by the public.***

(2) Individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area. 'Collective impact'. This has not been described and covered in any making of this TPO.

Note – The off-site Lombardy poplar trees referred are not in a conservation area, note: the trees are approx. 45 years old – confirmed by long residing neighbours, and reports.

(PCC Trees and woodland Strategy Dec 22, notes definitions 'mature trees' definition = trees in second third of their life cycle and still growing strongly) – The arboricultural report ages these trees as mature. It defines over mature as = trees in the final third of their expectancy and beginning to decline with very slow growth rates of growth or signs of natural retrenchment (bare dead branches in upper crown with a healthy but reduced crown at lower levels) note in both the arboriculturist report and PCC trees officers' comments ' both concur that the Lombardy poplar tree's do have a lot of dead branches in upper crown). NB – as referenced in Reading borough council report on the poplar species they note that mature poplars are between 30-40 years – whereas the PCC tree officer disagrees they are mature trees, (Although planners note them as mature in rejection letter) this I feel from the tree officer view to maybe to justify the making of the TPO? As sometimes age is a weighted factor in making a TPO. Moreover, these trees based on age, in their local surroundings 'residential', as well many other trees in the vicinity, and that they are not in scarce in the local area (not weighted to a TPO) or wider Peterborough area. See annex below there is 692 variants of Poplar trees in the Peterborough area, of which 109 'Lombardy' trees.

White Poplar	<i>Populus alba</i>	187	0.5%
Black Poplar	<i>Populus nigra</i>	165	0.4%
Native Black poplar	<i>Populus nigra 'Betulifolia'</i>	31	0.1%
Lombardy Poplar	<i>Populus nigra 'Italica'</i>	109	0.3%
Poplar Species	<i>Populus species</i>	97	0.2%
Aspen	<i>Populus tremula</i>	36	0.1%
Lombardy Poplar Cherry	<i>Prunus 'Amanogawa'</i>	67	0.2%

Please see local survey of (17) neighbours with view of the poplar trees including amenity view, Annex, these were submitted with the applicant's complaint and rejection to the TPO within the 28-day notice period. PCC tree officer has disregarded these views, and as such has noted only two objections were received one from 5 Sheridan Road, & one from 99 Fulbridge road within the 28-day period. This residents survey was submitted with 5 Sheridan roads complaint within the 28-day period. Since then, PCC tree officer has advised, he has written, and hand delivered letters asking the surveyed neighbours to respond within 14 days. (To which no responses have been received, one neighbour believes they saw this letter (no 2 Sheridan Road), which was the example letter shown as part of the committee pack). All other residents on the survey do not believe they received this letter. That being 16 residents, Sheridan Road, No's 10,13,8,11,6,4,3,2B,2A,9 No 5, & Fulbridge road, 104,106,101,105. It would be worth you enquiring for evidence of these addressed letters. The letter itself, in my opinion, 'is more of a justification 'authority letter' confirming that the TPO is justified, and that the views are it will remain regardless of your survey opinion. Not, a very inviting letter to confirm or ask opinion.

Our view is it is also written by the tree officer (Bias), to justify his work a on the justification of the TPO' .

The view of the local councillor 'Cllr Asim Mahmood' – Also disagrees with PCC tree officer. (The local councillor sat with myself (the applicant) as opposition on the committee meeting). – Annex of his views are.

- *TPO in this location is not reasonable or justified and does not take into consideration the objections raised by residents.*
- *The council has a duty of care to its residents, due to the height of these trees given the risk of high winds and more importantly the nursery children of 101 Fulbridge road who use the garden where the trees are present, and I do not agree with the assessment made by the officer that the trees in question are not Mature. 101 Fulbridge road (runs nursery, and is concerned with risk of poplars)*
- *Can the officer say with confidence that the Landowners will seek permission from the Council if the TPO is granted for trees that are already unmaintained and I have seen first-hand branches falling off. Taking onboard the views of the local residents.*
- *As the Ward Councillor I do not believe that these trees bring significant visual amenity value to the local area and does not warrant a TPO*

Other info.

Withing the 28-day period of the provisional TPO being issued, and as per the process on the letter. I raised a complaint as per the terms to the Head of Planning at Peterborough City Council. This complaint was then passed back to the tree officer to reply. So met with a very subjective view from PCC tree officer, without balance to allow a fair process of investigation and conclusion. Moreover, this was then brought to committee by PCC tree officer to make the TPO Permanent, who has subjectively chosen to omit my full complaint to the committee so not allowing all the evidence and annex to be viewed.

The Committee meeting, I was given 4 days' notice of a site visit by the committee (Tree officer was present) I could not be present as I was out of the county on work, and 6 days to attend a committee meeting. Which I re-arranged a day's work, and travelled 98 miles to attend, then they did not have time to hear any TPO's on the day due to running over on other planning applications.

As I write this, I was advised that there would be a new committee meeting to be held early august 23, (date issued on day of upload 16th Aug 23) to hear the Provisional TPOs to make permanent within the six-month window. The provisional TPO was made on the 16th of March, so six months would be 16th Sept 23. I would ask that this is postponed until such a time that the incorporate inspector has investigated this. If this has been processed, I ask that the incorporate inspector looks at a respective decision to either remove the TPO or confirm. As I feel the process via PCC is unbalanced and bias.

Regardless of the outcome of the TPO for the off-site Lombardy trees, it is a prevalent fact that this should I believe not hinder development of the site (with proven mitigation measures, of root protection areas covered in the arboricultural reports, with no issued raised on these measures by planners nor the tree officer) as these are all widely used practices in protecting trees. The offsite Lombardy poplar trees were for retention, and all reports and measures were covered to protect the

trees. I really do feel that the use of a TPO was unnecessary and should be withdrawn and not be used as a reason for rejection to the proposed dwelling. Nor should this hinder any future applications on this site with sound mitigation measures to work in conjunction with off-site trees.

Finally, we would like to express our gratitude to you for your time spent on unpicking this application. Again, apologies for the quantity of info, we have tried to provide as much clear detail for transparency as possible. We have gone to extreme lengths and expense to gain outline planning to be met with rejections and challenges that to us feel unbalanced in comparison to other approved applications locally.

We await your conclusion / decision on this matter.

Please feel free to contact me if you need any information or to discuss any matter. We welcome you to a site visit if you deem it necessary.

Tina Patel

From: Planning Appeals <planningappeals@peterborough.gov.uk>
Sent: 09 August 2023 13:38
To: Stephen Chesney-Beales
Cc: Clark, David; Planning Committee
Subject: Re: Request for information by 11th Aug 23.

Afternoon Stephen,

Is the below email something you are able to respond to please?

Kind Regards,
Peter

Technical Services (Appeals)
Planning and Building Control
Place and Economy
Peterborough City Council
Sand Martin House
Bittern Way
Fletton Quays
Peterborough
PE2 8TY

Email: planningappeals@peterborough.gov.uk

Telephone 01733 453413

To find out more about Peterborough City Council please go to: www.peterborough.gov.uk

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From: Clark, David [REDACTED]
Sent: 09 August 2023 12:05
To: Planning Committee <planningcommittee@peterborough.gov.uk>
Cc: Planning Appeals <planningappeals@peterborough.gov.uk>; Stephen Chesney-Beales <stephen.chesney-beales@peterborough.gov.uk>
Subject: Request for information by 11th Aug 23.

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Please may I request the below information on quantity of Tree protection orders across these species. *PCC Trees and woodland Strategy Dec 22*, notes there is 692 variants of Poplar trees in the Peterborough area (as below), of which 109 'Lombardy Poplar' trees. Please could you provide me the following information. Total Quantity of Tree protection orders on these trees' species, and separately how many tree protection orders are there on just the Lombardy poplar trees in the Peterborough area. This information is not on the gov.uk website this refers to PCC website, however this information is not within the PCC website nor within trees and woodland strategy Dec 22. – There is a note to a reference to a map – but this information is not available or clearly noted and cannot be found.

This information is required by Friday the 11th of Aug – and will be needed as part of a committee meeting on the 16th of Aug 23 Ref: Planning and environmental protection committee as this is relevant to this case: TPO 23/00003/TPO. I do apologise about the short notice however this has been dictated by the short notice for the committee meeting.

White Poplar	<i>Populus alba</i>	187	0.5%
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With best regards,
David Clark

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Tina Patel

From: Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>
Sent: 11 August 2023 17:27
To: Clark, David; Planning Committee
Cc: Planning Appeals; Plng Control Enquiries
Subject: Re: Request for information by 11th Aug 23.

Good afternoon Mr Clark

Further to your enquiry of Wednesday, please note the following information, as requested, as far as our data retrieval will allow currently, and please note the further points below.

With regard to your reference to the Council's current Tree and Woodland Strategy (T&WS) and the data presented, there seems to be some misunderstanding.

The data within the T&WS, is data collected from tree survey information from Council owned trees, which are not protected by tree preservation orders (TPOs).

With regards to there being 692 variants of Poplar, this is incorrect. The information states there are:

- 187 White Poplar
- 165 Black Poplar
- 31 Native Black Poplar
- 36 Aspen
- 109 Lombardy Poplar
- 97 Poplar species

Please note: Lombardy Poplar Cherry - is a Cherry, not a Poplar.

Therefore, 528 Poplar trees had been surveyed, and identified from the 5 species above. An additional 97 Poplar trees were identified as Poplar, without the species having been recorded?

Therefore, there are a total of 625 Poplar trees in the data available.

With regards to TPO data available the Council currently has 335 TPOs, of the 2,782 individual trees protected, 96 are identified as Poplar. We do not have the data set available to give a number of Poplar protected in Groups or Woodlands, especially as some of the TPOs date back to 1952.

With reference to your point in regard to the information being relevant to next week's Committee meeting, I would point out that the species of a tree protected by a TPO is irrelevant, as a trees protection is not about species type, but about amenity value and threat, hence why the TPO 23/00003/TPO was made because the Lombardy Poplar in question were considered under threat from development and mis-management affecting their future health and wellbeing.

I hope the above information is useful and satisfactory to your requirements.

Regards

Stephen Chesney-Beales

Tree Officer
Planning Services,
Place & Economy,
Sand Martin House,
Bittern Way,
Fletton Quays
Peterborough.
PE2 8TY

From: Clark, David [REDACTED]
Sent: 09 August 2023 13:05
To: Planning Committee <planningcommittee@peterborough.gov.uk>
Cc: Planning Appeals <planningappeals@peterborough.gov.uk>; Stephen Chesney-Beales <stephen.chesney-beales@peterborough.gov.uk>
Subject: Request for information by 11th Aug 23.

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With best regards,
David Clark

Tina Patel

From: Clark, David [REDACTED]
Sent: 13 August 2023 19:12
To: Planning Committee; Planning Appeals; Plng Control Enquiries
Cc: Stephen Chesney-Beales
Subject: RE: Request for information by 11th Aug 23.Provisional TPO 23/00003/TPO Committee meeting 16th March 23

Follow Up Flag: Flag for follow up
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In response to the requested data,

One could conclude from the information provided, that there are no existing TPOs in the PCC Borough on Lombardy poplar trees species as PCC don't hold this data and is unable to provide this data upon request. It also therefore notes the recent trees and woodland policy Dec 22 data is not conclusive to your findings. Not having or being able to provide any accurate data on the number of TPOs on Lombardy Poplar trees is not transparent and therefore I feel the escalation of this tree species having "some" amenity value to now "significant" amenity value is for justification purposes to apply a TPO.

For argument/balanced view's sake less than 3.5% of the total number of individual trees protected are poplar trees. Of these 625 recorded poplar trees, across the 5 species listed, that equates to 15.36% having TPO's – if you break this down across the 5 poplar tree species would give a median value of 2.56% meaning only 3 trees per poplar species have TPOs. However, as PCC cannot provide this data on how many Lombardy poplar trees have TPO's. We could conclude that there is none on this species 'Lombardy Poplar' and that they would more likely be applied to the rarer species within the group. Secretary of states view does look at applied application processes of TPOs on validity of rarity as a weighted factor, and it is prevalent that Lombardy poplar trees are not a rare species. The above also notes low amenity value weighting based on historically applied TPOs of the species in PCC borough. I feel compelled to reply.

It was a reasonable question and is relevant based on applying TPOs on amenity, as law would look at consistency, approach and macro environment application on a weighted factor when looking at the process followed on making of TPOs as below. PCC note in the below comms that the TPO was applied under amenity value and threat of development and miss-management. Although the TPO was just applied under Amenity value, and the application being refused.... i.e., threat of development (there is no development) *Local Planning Authorities 1.4 The power to make a TPO is exercised by the LPA. In England the LPA is the district, borough or unitary council. A county council may make a TPO, but only: (1) in connection with the grant of planning permission, and likewise arboriculturist reports under preliminary management considerations denoted: NONE. (so, no miss management) and as such the provisional TPO should be allowed to lapse. It is also clear the TPO should not have been applied in the first instance as it did not meet these conditions.*

Application of TPO's.

(2) *Individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area. 'Collective impact'.* This has not been described and covered in the making of this TPO. (Not in a conservation area, not at risk, not rare, local resident's views, Species type in surrounding areas and No other TPOs on Lombardy poplars in PCC area provided, and that they are mature – so future potential as amenity diminishing)

(3) wider impact: the significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity. (Which there is many) Lombardy poplar trees are not suitable for residential gardens and are more suitable to marking of fields / farms and historically used to mark edges of towns.

[tposguide.pdf \(publishing.service.gov.uk\)](#)

N.B: this is also in an appeal process with the planning inspectorate as previously covered.

No response is required as this can be covered during the committee meeting.

With best regards,

David Clark

From: Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>

Sent: Friday, August 11, 2023 5:27 PM

To: Clark, David (SI EP PE ELEC S RES) [REDACTED]; Planning Committee
<PlanningCommittee@peterborough.gov.uk>

Cc: Planning Appeals <planningappeals@peterborough.gov.uk>; Plng Control Enquiries
<planningcontrol@peterborough.gov.uk>

Subject: Re: Request for information by 11th Aug 23.

Good afternoon Mr Clark

Further to your enquiry of Wednesday, please note the following information, as requested, as far as our data retrieval will allow currently, and please note the further points below.

With regard to your reference to the Council's current Tree and Woodland Strategy (T&WS) and the data presented, there seems to be some misunderstanding.

The data within the T&WS, is data collected from tree survey information from Council owned trees, which are not protected by tree preservation orders (TPOs).

With regards to there being 692 variants of Poplar, this is incorrect. The information states there are:

187 White Poplar

165 Black Poplar

31 Native Black Poplar

36 Aspen

109 Lombardy Poplar

97 Poplar species

Please note: Lombardy Poplar Cherry - is a Cherry, not a Poplar.

Therefore, 528 Poplar trees had been surveyed, and identified from the 5 species above. An additional 97 Poplar trees were identified as Poplar, without the species having been recorded?

Therefore, there are a total of 625 Poplar trees in the data available.

With regards to TPO data available the Council currently has 335 TPOs, of the 2,782 individual trees protected, 96 are identified as Poplar. We do not have the data set available to give a number of Poplar protected in Groups or Woodlands, especially as some of the TPOs date back to 1952.

With reference to your point in regard to the information being relevant to next week's Committee meeting, I would point out that the species of a tree protected by a TPO is irrelevant, as a trees protection is not about species type, but about amenity value and threat, hence why the TPO 23/00003/TPO was made because the Lombardy Poplar in question were considered under threat from development and mis-management affecting their future health and wellbeing.

I hope the above information is useful and satisfactory to your requirements.

Regards

Stephen Chesney-Beales

Tree Officer

Planning Services,

Place & Economy,

Sand Martin House,

Bittern Way,

Fletton Quays

Peterborough.

PE2 8TY

From: Clark, David <[REDACTED]>
Sent: 09 August 2023 13:05
To: Planning Committee <planningcommittee@peterborough.gov.uk>
Cc: Planning Appeals <planningappeals@peterborough.gov.uk>; Stephen Chesney-Beales <stephen.chesney-beales@peterborough.gov.uk>
Subject: Request for information by 11th Aug 23.

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Please may I request the below information on quantity of Tree protection orders across these species. *PCC Trees and woodland Strategy Dec 22*, notes there is 692 variants of Poplar trees in the Peterborough area (as below), of which 109 'Lombardy Poplar' trees. Please could you provide me the following information. Total Quantity of Tree protection orders on these trees' species, and separately how many tree protection orders are there on just the Lombardy poplar trees in the Peterborough area. This information is not on the gov.uk website this refers to PCC website, however this information is not within the PCC website nor within trees and woodland strategy Dec 22. – There is a note to a reference to a map – but this information is not available or clearly noted and cannot be found. This information is required by Friday the 11th of Aug – and will be needed as part of a committee meeting on the 16th of Aug 23 Ref: Planning and environmental protection committee as this is relevant to this case: TPO 23/00003/TPO. I do apologise about the short notice however this has been dictated by the short notice for the committee meeting.

White Poplear	<i>Populus alba</i>	187	0.5%
Black Poplar	<i>Populus nigra</i>	165	0.4%
Native Black poplar	<i>Populus nigra 'Betulifolia'</i>	31	0.1%
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Aspen	<i>Populus tremula</i>	36	0.1%
Lombady Poplar Cherry	<i>Prunus 'Amanogawa'</i>	67	0.2%

With best regards,
David Clark

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Tina Patel

From: Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>
Sent: 15 August 2023 11:22
To: Clark, David
Cc: Democratic Services
Subject: Re: Request for information by 11th Aug 23.Provisional TPO 23/00003/TPO Committee meeting 16th August 2023

Dear Mr Clark

Further to your e-mail of Sunday, the contents of which has been noted, please note the following points in reply:

With regards to your points in paragraph one, I don't agree with your conclusion with reference to '*there are no existing TPOs in the PCC Borough on Lombardy poplar trees species as PCC don't hold this data and is unable to provide this data upon request*', as anyone of the 96 Poplar may well be a Lombardy Poplar. Just because PCC are unable to retrieve the data currently, does not in itself make your conclusion correct, plus there are likely to be Lombardy Poplar protected in Group and Woodland TPOs.

As stated previously, the Tree and Woodland Strategy (T&WS) data from Council owned trees is different to the data for trees protected by tree preservation orders (TPOs).

Providing the information requested with reference to the number of TPOs and those that are Poplar, and explaining that the information available is, as good as our data retrieval will allow currently, is I believe very transparent, and has no bearing on the amenity value of the TPO'd trees in question.

With regards to your points in paragraph two, as stated previously, the 625 trees you reference are Council owned trees and data collated for the T&WS. Given that there appears to be a lack of Lombardy Poplar in Peterborough City Council (PCC), one could conclude they may well be considered rare?

With regards to your points in paragraph three, S.198 (1) of the Town and Country Planning Act 1990, it states that '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'. This is with regards to making an order, hence the reference in the Council's Formal Notice 'in the interests of visual amenity', which is a standard letter. The expediency for making the order, as stated in Point 1 of my report to Committee, was 'the trees' may be under threat from development and mis-management affecting their future health and wellbeing'.

The 'county council' reference is not appropriate as PCC is a Unitary Authority and makes its own TPOs accordingly. The making of the TPO was considered appropriate and reasonable in the circumstances, as stated in Section 6 Conclusions of my report to Committee.

With regards to your points in paragraph four, I believe these points have been addressed in Point 2 and Section 5 Assessment of Trees, within my report to Committee, and demonstrate that the Council have adequately followed procedural requirements.

With regards to your points in the final paragraph five, again, I believe these points have been addressed in the Point/Section above, but also within Point 5 of my report to Committee, where it points out that your appointed, independent Arboriculturist, clearly states the trees subject of the TPO **'have the potential to offer a further 20 to 40 years contribution, with good screening and wildlife habitat**

potential, and are of benefit to the local landscape.' and goes on to state, 'they are of considerable stature and widely visible from the surrounding area.'

I consider the above statements, in themselves, justifies the making of the TPO.

I hope the above responses have covered the points raised.

The Planning & Environmental Protection Committee will consider the points raised by all parties and consider whether or not to confirm the TPO as recommended, on Wednesday 16th August 2023.

Regards

Stephen Chesney-Beales

Tree Officer
Planning Services,
Place & Economy,
Sand Martin House,
Bittern Way,
Fletton Quays
Peterborough.
PE2 8TY

From: Clark, David [REDACTED]
Sent: 13 August 2023 19:12
To: Planning Committee <PlanningCommittee@peterborough.gov.uk>; Planning Appeals <planningappeals@peterborough.gov.uk>; Png Control Enquiries <planningcontrol@peterborough.gov.uk>
Cc: Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>
Subject: RE: Request for information by 11th Aug 23.Provisional TPO 23/00003/TPO Committee meeting 16th March 23

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In response to the requested data,
One could conclude from the information provided, that there are no existing TPOs in the PCC Borough on Lombardy poplar trees species as PCC don't hold this data and is unable to provide this data upon request. It also therefore notes the recent trees and woodland policy Dec 22 data is not conclusive to your findings. Not having or being able to provide any accurate data on the number of TPOs on Lombardy Poplar trees is not transparent and therefore I feel the escalation of this tree species having "some" amenity value to now "significant" amenity value is for justification purposes to apply a TPO.
For argument/balanced view's sake less than 3.5% of the total number of individual trees protected are poplar trees. Of these 625 recorded poplar trees, across the 5 species listed, that equates to 15.36% having TPO's – if you break this down across the 5 poplar tree species would give a median value of 2.56% meaning only 3 trees per poplar species have TPOs. However, as PCC cannot provide this data on how many Lombardy poplar trees have TPO's. We could conclude that there is none on this species 'Lombardy Poplar' and that they would more likely be applied to the rarer species within the group. Secretary of states view does look at applied application processes of TPOs on validity of rarity as a weighted factor, and it is prevalent that Lombardy poplar trees are not a rare species. The above also notes low amenity value weighting based on historically applied TPOs of the species in PCC borough. I feel compelled to reply.
It was a reasonable question and is relevant based on applying TPOs on amenity, as law would look at consistency, approach and macro environment application on a weighted factor when looking at the process followed on making of TPOs as below. PCC note in the below comms that the TPO was applied under amenity value and threat of development and miss-management. Although the TPO was just applied under Amenity value, and the application

being refused.... i.e., threat of development (there is no development) *Local Planning Authorities 1.4 The power to make a TPO is exercised by the LPA. In England the LPA is the district, borough or unitary council. A county council may make a TPO, but only: (1) in connection with the grant of planning permission, and likewise arboriculturist reports under preliminary management considerations denoted: NONE. (so, no miss management) and as such the provisional TPO should be allowed to lapse. It is also clear the TPO should not have been applied in the first instance as it did not meet these conditions.*

Application of TPO's.

(2) *Individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area. 'Collective impact'*. This has not been described and covered in the making of this TPO. (Not in a conservation area, not at risk, not rare, local resident's views, Species type in surrounding areas and No other TPOs on Lombardy poplars in PCC area provided, and that they are mature – so future potential as amenity diminishing)

(3) wider impact: the significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity. (Which there is many) Lombardy poplar trees are not suitable for residential gardens and are more suitable to marking of fields / farms and historically used to mark edges of towns.

[tposguide.pdf \(publishing.service.gov.uk\)](#)

N.B: this is also in an appeal process with the planning inspectorate as previously covered.

No response is required as this can be covered during the committee meeting.

With best regards,

David Clark

From: Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>

Sent: Friday, August 11, 2023 5:27 PM

To: Clark, David (SI EP PE ELEC S RES) [REDACTED] Planning Committee
<PlanningCommittee@peterborough.gov.uk>

Cc: Planning Appeals <planningappeals@peterborough.gov.uk>; Plng Control Enquiries
<planningcontrol@peterborough.gov.uk>

Subject: Re: Request for information by 11th Aug 23.

Good afternoon Mr Clark

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With reference to your point in regard to the information being relevant to next week's Committee meeting, I would point out that the species of a tree protected by a TPO is irrelevant, as a trees protection

is not about species type, but about amenity value and threat, hence why the TPO 23/00003/TPO was made because the Lombardy Poplar in question were considered under threat from development and mismanagement affecting their future health and wellbeing.

I hope the above information is useful and satisfactory to your requirements.

Regards

Stephen Chesney-Beales

Tree Officer
Planning Services,
Place & Economy,
Sand Martin House,
Bittern Way,
Fletton Quays
Peterborough.
PE2 8TY

From: Clark, David <[REDACTED]>

Sent: 09 August 2023 13:05

To: Planning Committee <planningcommittee@peterborough.gov.uk>

Cc: Planning Appeals <planningappeals@peterborough.gov.uk>; Stephen Chesney-Beales <stephen.chesney-beales@peterborough.gov.uk>

Subject: Request for information by 11th Aug 23.

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Aspen	<i>Populus tremula</i>	36	0.1%
Lombardy Poplar Cherry	<i>Prunus 'Amanogawa'</i>	67	0.2%

With best regards,
David Clark

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Oundle Road.
Woodston.
Peterborough.
PE2 9QY.

RE- TPO - Rhine Close, 23/00004/TPO

To the Secretary of the Planning & Environmental Protection Committee for the meeting of 18th July 2023.

Dear Secretary.

I have had dialogue over the last few months with your Tree Protection Officer Stephen Chesney - Beales over the TPO,s for trees within Rhine Close. 23/00004/TPO and I need to set out my reasons for removing the TPO and potentially the 2 trees.

My reasons are:

1. The two trees are huge and in themselves cause safety issues with their branches falling off and damaging my property.
2. These trees have never really been maintained and again to expect a domestic owner to part with £2,000 – £3,000 every five to eight years for maintenance is unrealistic.
3. One tree is over 50ft in height. Aerial tree maintenance is required and I don't really know how you expect a domestic owner to fulfil this operation.
4. The trees take an awful lot of water from the ground leaving the ground dry and barren and difficult for domestic owners to grow plants and shrubs with copious watering needed, which will be metered and cost lots of money.
5. When these trees where part of the British Sugar Sports Field they were in there right element, but in a small domestic back garden they are a risk to the property, the children of that property and owners, let alone neighbours. I have at present a broken branch puncturing my shed roof.
6. I have been in touch with Olivia Hewitt, the Development Planning Manager at Vistry Partnerships through email on 16th May 2023, but there has been no acceptance of email, in fact purely radio silence. Presumably because of the cost of maintaining these trees.
7. Your TPO Stephen Chesney-Beales believes that it would be easy for anyone to maintain these trees given the TPO requirements. I think that this assertion in itself is at least unrealistic given the size of the trees and the equipment and safety requirements required for maintaining trees of this magnitude.

Please, please, please, remove these trees and replace them with a more sympathetic smaller type which can be easily maintained.

I have appended some pictures for reference.

Yours sincerely

Stephen & Sharon Smith.



Broken and dead branches often hang on live branches The shed is a 10ft wide, to give some scale on the overhanging branches



Branch penetrating my shed roof.



The largest tree, I couldn't get a good picture full size but this would be around 50% of the tree height and width.

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Tina Patel

From: Democratic Services <democratic.services@peterborough.gov.uk>
Sent: 14 August 2023 09:33
To: [REDACTED]
Cc: Stephen Chesney-Beales; Planning Committee; Dan Kalley (he/him)
Subject: Re: 23-00004-TOC Rhine Avenue TPOs

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Mr Smith

Thank you I have registered you to speak, and I have sent your comments onto the case officer.

You will have five minutes to speak on the item, however if we receive other requests this time will need to be shared with other speakers.

Kind regards
Democratic Services
Town Hall
Bridge Street
Peterborough
PE1 1HG

01733 747474

From: [REDACTED]
Sent: 13 August 2023 12:53
To: Democratic Services <democratic.services@peterborough.gov.uk>
Subject: 23-00004-TOC Rhine Avenue TPOs

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Dear sir and madam

I would like to speak at the committee meeting this coming Wednesday 16th on the TPOs and the pruning of these trees.

Some of the issues with these two trees include
Who indeed will prune them
Who will maintain them in the future
The size of the trees relative to the gardens
The current complete disregard of the construction company to the state of these trees
Current damage to my property based on the current construction company's negligence
Your lack of care and action with regards to these trees

Regards [REDACTED]
251 Oundle Road

Peterborough
PE2 9QY

