

**P & EP Committee:** 18th July 2023 **Item No. 4**

**PROPOSAL:** Confirmation of Tree Preservation Order 23/00001/TPO

**SITE:** 76 Guntons Road, Newborough, Peterborough, PE6 7RT

**REFERRED BY:** Head of Planning

**CASE OFFICER:** Stephen Chesney-Beales - Tree Officer

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**RECOMMENDATION:** Confirmation of Tree Preservation Order 23/00001/TPO without modifications.

## **1. DESCRIPTION OF THE SITE AND SURROUNDINGS & SUMMARY OF THE PROPOSALS**

### **Purpose of Report**

A Tree Preservation Order (TPO) 23/00001/TPO 76 Guntons Road, Newborough, Peterborough, was made and served on 8<sup>th</sup> March 2023 to protect an Oak tree on the request of the owners of the tree and because of the threat of mis-management.

The TPO has been the subject of consultation and because an objection has been received, the Committee are required to consider the objection, before determining the confirmation of the TPO, in accordance with para 2.6.2.2 (f) of the Council's constitution.

The main considerations are:

1. The Oak tree T.1 subject of the TPO is worthy of a TPO in terms of its public visual amenity value?
2. Is the making of the TPO reasonable and justified having regard to the objections raised?

The Head of Planning recommends that the TPO is CONFIRMED without modifications.

### **Site and Surroundings**

The property 76 Guntons Road, Newborough is a residential property, located on the edge of the village and the open countryside. The tree subject of the TPO is located within the rear garden adjacent to the boundary of the neighbouring property No.5 Carpenters Mew, a private road. Please see the TPO plan within **Appendix 1**, for reference.

### **Description of T.1 Oak**

The Oak is an early mature specimen, typical of the species, on a single stem. It has been pruned in the recent past to raise the crown over the garden and remove low branch growth back to the boundary line. Please see the photograph in **Appendix 2**, for reference.

## **2. PLANNING HISTORY**

### **Relevant Planning History**

Planning applications relating to this matter include:

17/01902/OUT Land on the west side of Guntons Road, Newborough, Peterborough

Outline planning permission for the erection of 5 self build detached bungalows (with refuge in the roof space) together with associated access, parking and amenity space with all matters reserved except for access.

19/00696/REM Land on the west side of Guntons Road, Newborough, Peterborough

Approval of access, appearance, landscaping, layout and scale for the erection of five self build detached bungalows (with refuge in the roof space) together with associated access, parking and amenity space pursuant to outline planning permission 17/01902/OUT.

## **3. PLANNING POLICY**

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

Town and Country Planning Act 1990, Section 198 states

### **S.198. - Power to make tree preservation orders**

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

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

## **4. CONSULTATIONS/REPRESENTATIONS**

### **Objection**

A letter raising a number of points of consideration with regards to the TPO was received on 20<sup>th</sup> March 2023, from Mr & Mrs Hicks of No.5 Carpenters Mews, Newborough. The property is located immediately adjacent to the boundary of the site and tree T.1 Oak, the subject of the TPO. Mr & Mrs Hicks wanted their letter to be considered as an 'objection' to the making of the TPO, please see **Appendix 3**, for reference.

**The Council's Tree Officer visited the property and met Mrs Hicks and discussed the points raised in the letter of 'objection'. The Tree Officer e-mailed Mr & Mrs Hicks after his visit, to address the matters raised by way of an e-mail on 28<sup>th</sup> June 2023, please see Appendix 4 for reference.**

The main points of 'objection' relating to the tree subject of the TPO, are outlined below:

*The tree branches overhang into the middle of our garden which blocks the light from our bedroom window.*

*The overhanging branches and falling leaves and acorns propose a health and safety hazard to disabled people, young children and animals that visit us on a regular basis, and to mention to us as we get older*

*In the autumn and winter when we have high winds the branches are swinging and could very easily snap and fall into our garden, again causing a health and safety hazard.*

*On the basis of the above we do not understand why there would be a need to be a preservation order on the tree as we had no intention to destroy the tree or the wildlife in its habitat as we are all for this, we just wanted to maintain the overhang of the tree due to the reasons outlined above.*

**The Tree Officer stated that Mr & Mrs Hicks had followed the advice they had been given and had done nothing 'wrong', however, moving forward he believed it was prudent to ensure the trees' future maintenance and management was subject of a TPO, given its amenity value and the fact that it was identified as a Grade A tree with regards to the development proposals prior to planning consent being granted.**

**He also stated it was unfortunate, the crown habit of the tree had been 'unbalanced' by the raising of the crown recently, as shown in the photograph he had taken earlier that afternoon. Please see Appendix 2, for reference.**

**With regards to the points raised in the letter of 'objection', the Tree Officer would point out that the crown spread of the Oak does not overhang into the middle of the garden and would not appear to block any significant amount of light from the bedroom window, given its distance from the tree.**

**He would also make the point that he does not consider the overhanging branches, falling leaves and acorns to pose a significant health and safety hazard, given the nature of the garden setting and considers the tree to be in a good condition at present and it exhibits no obvious defects that are considered to require attention. Although no tree can be expected to be 100% safe, especially during high wind events, this does not mean that all overhanging branches should be pruned heavily or trees located close to property boundaries removed.**

## **5. ASSESSMENT OF THE PLANNING ISSUES**

Local Authorities are guided by Government guidance at: <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#making-tree-preservation-orders>

At PCC an assessment criteria has been developed and covers the considerations detailed below:

### **Visual Amenity and Visual Impact as a Group**

Government advice states - The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. It also, states that it may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the

area. But it is not necessary for there to be immediate risk for there to be a need to protect trees.

**The Tree Officer considers the Oak has amenity value and appreciates it was identified independently as a Grade A tree worthy of retention with regards to the development proposals prior to planning consent being granted, see above.**

### **Tree Health Considerations**

Tree health considerations include visual health, structure, growth, foliage condition, size, past management, future maintenance, future visual impact, maturity, life expectancy and presence of fungi.

**The Tree Officer considered the Oak subject of the TPO to be of good health and condition with regards to the above attributes for its age as an early mature specimen with greater than 40 years life expectancy and with no obvious signs of fungi present, at the time of assessment.**

### **Impact Considerations**

Impact considerations on the public Highway, services, on walls or buildings.

**The Tree Officer considered the impact on all of the above features is low.**

### **TPO Serving Procedure**

The Tree Preservation Order (TPO) 23/00001/TPO 76 Guntons Road, Newborough, Peterborough, was made and served on 8<sup>th</sup> March 2023 to protect an Oak tree on the request of the owners of the tree and because of the threat of mis-management.

A TPO Assessment was carried using the PCC criteria on the Oak the subject of the TPO and the TPO made accordingly.

Mr & Mrs Hicks' 'objections' have been considered and responded to above.

## **6. CONCLUSIONS**

The Oak subject of the TPO, shown in **Appendix 1**, is considered to offer public visual amenity value to the site and the surrounding area. The tree has been assessed and is considered to be worthy of a TPO and remains under threat from future mis-management, therefore, it is recommended that the TPO is confirmed.

## **7. Recommendations**

The Head of Planning recommends that the TPO is CONFIRMED without modifications.

Copies to Councillors- Councillor Steve Allen  
- Councillor Rylan Ray  
- Councillor Nigel Simons