

Re: Provisional TPO 23/0009/TPO - 7a Maffit Road, Ailsworth, Peterborough

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

Thu 21/12/2023 15:05

To: tom.bailey@beagle-power.com <tom.bailey@beagle-power.com>

Cc: PIng Control Enquiries <planningcontrol@peterborough.gov.uk>; Darren Sharpe <darren.sharpe@peterborough.gov.uk>

Dear Mr Bailey

Further to your letter of objection received yesterday, dated 19th December 2023, please accept and note the following points below in red, in reply and response to each of the points raised.

a) The tree is a box elder and is not native to the UK

Any tree species can be protected by a tree preservation order (TPO), being a native species has no major significance, as the trees amenity value is the major consideration.

b) Historically someone has poorly pruned the tree which has made it a bit of an eyesore.

The tree does not appear to be an 'eyesore', but is considered to offer public visual amenity value to the immediate and wider area, and contributes to the character and appearance of the Ailsworth Conservation Area.

c) The tree is poorly positioned. It is too close to my house and the road meaning debris is constantly being dropped in my guttering and on the road.

The tree appears to be positioned much the same as one of the adjacent Silver Birch, and in a suitable position in the front garden adjacent to the Maffit Road.

d) The tree is interfering with the telephone lines.

The branches of the tree interfering with the telephone lines can be pruned, sympathetically to reduce the contact with the lines in question, by way of a TPO Tree Work Notice/Application.

e) The tree is interfering with the lamppost.

The branches of the tree interfering with the lamppost or blocking the lamppost can be pruned, sympathetically to reduce the contact with lamppost, by way of a TPO Tree Work Notice/Application.

f) The tree is blocking light to my neighbours houses one of whom has raised the issue.

The tree can be sympathetically pruned, subject to good arboricultural practices, to address in part the issue of light to the neighboring property, by way of a TPO Tree Work Application.

g) Due to its positioning the tree is constantly being hit by delivery vans / trucks.

The branches of the tree being hit by delivery vans/trucks can be pruned, subject to good arboricultural practices, by way of a TPO Tree Work Notice/Application.

h) The tree is depositing debris in my neighbour's garden and guttering.

It is unfortunate that debris is falling into your neighbour's garden and gutters, however, this happens with all trees close to property boundaries and is a normal situation with regard to most trees in such circumstances. With regards to gutters being affected, gutter guards are widely available to reduce debris getting into gutters.

i) I have spoken to my immediate neighbours who all all in support of felling the tree.

Your comment is noted. The Peterborough City Council and Ailsworth Parish Council (APC) support the retention of the Box Elder.

j) If the tree were to fall it would damage either my house or my neighbour's house. It overhangs an original roman wall owned by my neighbour.

As the owner of trees you have a 'Duty of Care' under the Occupiers Liability Act to ensure your trees are in a safe condition. There did not appear to be any evidence to suggest the tree was in an unsafe or dangerous condition, when assessed, giving rise to any concerns that the tree or significant branches may fail or fall.

k) Felling the tree will enable the two silver birch trees to flourish as the box elder is blocking light getting to them.

The Silver Birch in question are not considered to offer the same public visual amenity value, as stated above, and are of a poor quality.

l) We have previously been given permission to fell the tree. Nothing has changed between today and when the permission was previously granted apart from the Tree Protection Officer.

A Notice/Application was made in 2013 to fell both the Silver Birch and two Box Elder.

In the last ten years the situation has changed significantly, in as far as, one of the Box Elder has been removed, freeing up space around the remaining Box Elder and the two Silver Birch would appear to have declined further. Whereas, the Box Elder has become a prominent feature on this section of Maffit Road, contributing to the public visual amenity value of the immediate and wider area and contributes to the character and appearance of the Ailsworth Conservation Area, so much so, that APC did not wish to see the Box Elder removed and supported its further protection with a TPO.

With the above responses in mind, I respectfully request that you consider withdrawing your objection and retaining the Box Elder; and consider pruning the tree to address the above issues, subject to modern arboricultural practices and British Standard BS3998:2010 Tree work - Recommendations.

This matter will be taken to the Council's Planning & Environmental Protection Committee for consideration in light of the objections received, and prior to the TPO being considered by the Committee for confirmation. You will be contacted again, before the matter is taken to Committee and you will be given an opportunity to present your objections to the Committee.

If you wish to discuss any of the above further, please do not hesitate to contact me

Kind regards

Stephen Chesney-Beales
Tree Officer

Tom Bailey
7a Maffit Road
Ailsworth
Peterborough
PE5 7AG
07971 553232

Date: 19/12/2023

Dear sir/madam,

I am writing in relation to the proposed tree preservation order being placed on a tree in my front garden (Ref: 23/00009/TPO) raised as a result of my planning request to fell the box elder tree in my front garden.

I would like to contest the plan apply a TPO to the tree for the following reasons:

- a) The tree is a box elder and is not native to the UK
- b) Historically someone has poorly pruned the tree which has made it a bit of an eyesore.
- c) The tree is poorly positioned. It is too close to my house and the road meaning debris is constantly being dropped in my guttering and on the road.
- d) The tree is interfering with the telephone lines.
- e) The tree is interfering with the lamppost.
- f) The tree is blocking light to my neighbours houses one of whom has raised the issue.
- g) Due to its positioning the tree is constantly being hit by delivery vans / trucks
- h) The tree is depositing debris in my neighbours garden and guttering.
- i) I have spoken to my immediate neighbours who all all in support of felling the tree.
- j) If the tree were to fall it would damage either my house or my neighbours house. It overhangs an original roman wall owned by my neighbour.
- k) Felling the tree will enable the two silver birch trees to flourish as the box elder is blocking light getting to them.
- l) We have previously been given permission to fell the tree. Nothing has changed between today and when the permission was previously granted apart from the Tree Protection Officer.

This letter will be emailed and taken to the Planning services offices at Sand Martin House.

I would my application to fell the tree reviewed again.

Kind regards,

Tom Bailey

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