

DECISION

Report to planning committee

COMMITTEE: Planning Committee

TITLE: Town & Country Planning Act 1990
Town & Country Planning (Tree Protection)
(England) Regulations 2012
Tree Preservation Order No.158 (2014)
Land adjacent to 86 Buckmaster Avenue

SUBMITTED BY: Head of Operations

1 Purpose

- 1.1 To advise members of the Planning Committee that the above order was made using delegated powers on 10th June 2014, and to seek approval for the Order to be confirmed as made.

2 Background

- 2.1 The order protects a Lime tree situated on land opposite the entrance to Lyme Valley Parkway on Buckmaster Avenue. The order was made to safeguard the longer term visual amenity that the tree provides following submission of a planning application to build 4 semi-detached houses and 1 detached house on the site.

3 Issues

- 3.1 This mature Lime tree is a prominent roadside feature set within a leafy and attractive suburban street and is clearly visible from a wide range of viewpoints within the surrounding landscape setting.
- 3.2 The tree is a significant feature and makes an important visual contribution to the area. Its loss would have a detrimental effect on the visual amenity, not only to the site but also the locality.
- 3.3 A further planning application has been received since the order was made with a view to building 4 semi-detached and 1 detached house. Both applications have required the loss of this tree.
- 3.4 Following the TPO publicity process, a letter of representation from the developer was received. This letter included a statement from their arboricultural consultant,

providing additional information, obtained from a second inspection of the tree (information from his first inspection of 22nd October 2013 was submitted with the recent planning application).

- 3.5 The second inspection concluded that due to structural defects that the tree has a 'fairly limited life and will require removal in the not too distant future'. A recommendation was made to the developer that an objection be made to the Tree Preservation Order on the grounds that the tree has 'serious defects that will shorten its life and may render the tree dangerous'. The inspection report identified some reaction wood around the union indicating serious stresses at this point.
- 3.6 The conclusion made by the developers own initial report (22nd October 2013) was that the affected tree was in good physiological condition but it noted 'included bark present in main fork'. The report gave an estimated remaining life of 20years+.
- 3.7 At the time that the Tree Preservation Order was made, your officer identified and acknowledged the structural defects and the presence of the reaction wood, however they were not considered to be sufficient to warrant tree preservation order not to be made.
- 3.8 Following receipt of the representation your officer made a site visit with the council's own Tree Officer to assess the matters raised in the objection.
- 3.9 The Council's Tree Officer acknowledged the presence of the defects and the 'reaction wood' (identified in the second report) and found that this would not be sufficient reason to warrant the removal the tree. Structural defects of the type in question are common in Lime trees, and it is noted that the tree did just escape a major storm, unscathed, in February 2014.
- 3.10 Your officers consider that the tree has not altered significantly since the developer's initial inspection, and that the tree does have sufficient safe, useful life expectancy warrant the confirmation of the Tree Preservation Order.
- 3.11 The tree is of a good shape and is very prominent in the surrounding landscape.
- 3.12 The developers objection also raised the following points:
- The local housing need.
 - The tree was not mentioned at consultation meetings.

- The developer would offset the loss of the tree on this site or on another Aspire or NBC owned landsite.
- Should a TPO prevent development of the site, any funding secured would be put at risk.

3.13 During the consideration phase for the second planning application two meetings were held to discuss potential alterations to the layout of the development that would retain the tree.

3.14 The developer submitted a revised layout allocating additional space to the frontages of plots 2, 3 and 4.

3.15 This alternative scheme would retain the tree and safeguard the visual amenity that it provides. The landscape development section considers that this revised proposal would be sufficient to ensure that the tree could remain a prominent feature in the surrounding landscape and would be foremost feature within in the proposed development.

3.16 Your officers do not consider that reasons given by the developer to remove this tree are sufficient, and would consider that there isn't sufficient justification for this order not to be confirmed.

3.17 In order to protect its long-term well-being and its future potential as an amenity it should be protected by a confirmed Tree Preservation Order.

3.18 Your officers recommendation is that Tree Preservation Order T158 (2014) be confirmed as made.

4 Recommendation

4.1 That Tree Preservation Order No 158 (2014), land adjacent to 86 Buckmaster Avenue be confirmed as made and that the owners of the site be informed accordingly.