

## **Confirmation of Tree Preservation Order**

Land to the west of 32 to 49 The Hollies, Brampton Road, May Bank

### **Tree Preservation Order No 168 (2015)**

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

### **The Provisional Order**

This Provisional Tree Preservation Order protects a group of nine mature trees situated in a visually prominent and elevated position adjacent to flats between the Hollies and Tulip Grove.

**The 6 month period for this Order expires on 23rd September 2015**

### **RECOMMENDATION**

That Tree Preservation Order No 168 (2015), Land to the west of 32 to 49 The Hollies, Brampton Road, May Bank, be confirmed as made and that the owners of the site be informed accordingly.

### **Reasons for Recommendation**

#### **Background**

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Provisional Tree Preservation Order after an enquiry was made as to the status of the trees, which then gave rise to concern that they could be in danger of being felled to remove them as an obstacle to the development of the site.

The trees are clearly visible from Tulip Grove, with glimpse views from Larkspur Grove and the Hollies. As a group these mature trees have considerable visual stature and make a contribution towards the tree'd character of the Brampton Conservation Area when viewed from the wider landscapes setting. The trees are aesthetically pleasing when viewed from the surrounding landscape.

The trees are considered visually significant, and make an important contribution to the character of the surrounding area. The loss of any of these trees would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations.

In order to protect the long-term wellbeing of these trees they should be protected by a Tree Preservation Order

## **Representations**

Following the consultation period one representation was received raising the following matters:

- The garages adjacent to the trees attract anti-social behaviour due to their dark and secluded position.
- The owner of the site would like to replace the garages with a development of 6 flats with adjacent car parking bays to prevent the antisocial behaviour and to provide additional accommodation within the Borough. The owner considers that two protected Lime trees to the south of the group (numbered by the site owner as T17 and T18) would cast significant shade on new properties during the summer.
- The owner requested that protection be removed from T17 and T18 and that should a new development proceed, the affected trees will be removed and replaced with three young lime trees.
- The representation suggests the remaining trees are permanently protected and thereby continue to benefit the landscape.

## **Issues**

The provisional Tree Preservation Order 168 (TPO168) was served to prevent the premature or needless removal of nine mature trees prior to the development of this site.

The site owner has requested that TPO168 be varied; thereby allowing T17 and T18 to be felled, which they indicate would ensue, should plans to develop the site proceed.

Your officer considers that future plans for site may alter between now and such time when a planning application is made and that it would be inappropriate to protect only seven of the nine affected trees upon this basis.

At the time of writing this report no planning application for the site has been submitted.

Should a planning application be forthcoming then appropriate arboricultural information to support the application would be required (in accordance with BS5837:2012 (Trees in Relation to Design Demolition and Construction- Recommendations)) At the time of writing this report no planning application for the site has been submitted.

The British Standard recommends that a Tree Survey with appropriate site constraints be made available to designers prior to specific proposals being drawn up. Recommendations also cover the impact of trees on daylight (of concern to the developer in this case).

The confirmation of the Tree Preservation Order would not prevent the development of the site, and the outcome of the tree information and subsequent design would not necessarily be the retention of all of the trees on the site; however by following the logical sequence of events that are outlined in the British Standard, the future of all nine trees that form a part of this important group can be fully and properly assessed.

In the absence of this process it would be wrong to assume that there is no alternative solution to the loss of T17 and T18 and as such your officer considers it inappropriate to vary the TPO 168 to exclude these trees.

The making of the Order will not prevent the owner from carrying out good management of the trees nor improving or developing the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction.

The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

Your officer recommends that all nine trees are permanently protected and that TPO168 be confirmed as made.

Date report prepared

2<sup>nd</sup> June 2015