

Confirmation of Tree Preservation Order

LAND AT 7 PARK AVENUE, WOLSTANTON.

Tree Preservation Order No.170 (2015)

Town & Country Planning Act 1990

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

The Order protects trees situated in the grounds of 7 Park Avenue, Wolstanton. The Order was made to safeguard the longer term visual amenity that the trees provide after issues relating to tree retention and removal with regard to the development of the site gave rise to concern that the trees may be felled to remove them as an obstacle to development.

The Order was made using delegated powers on 2nd July 2015. Approval is sought for the Order to be confirmed with amendments.

The 6 month period for this Order expires on 2nd January 2016

RECOMMENDATION

That Tree Preservation Order No 170 (2015), land at 7 Park Avenue, Wolstanton, be confirmed with amendments and that the owners of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. 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. The making of the Order will not prevent the owner from carrying out good management of the trees nor progressing plans to develop 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.

Representations

One representation has been received from the developers arboricultural consultant on behalf of the developer objecting to the TPO, listing the following reasons:

- The plan included in the Order is not to a suitable scale to determine which trees are protected.
- The reasons for making the order are insufficient. The trees do not score 16+ in the TEMPO assessment to definitely merit a TPO for their contribution to the amenity of the wider area. No description of public benefit has been given.
- Some of the trees are causing structural damage.

- Only 2 trees should be protected.
- The TPO has been made to frustrate a planning application.
- There are already sufficient TPO trees on this site and the neighbouring property to protect the amenity value of the wider area.

Your officers comments as follows:

The accepted scales for Tree Preservation Order plans are based on the Ordnance Survey scales of 1:2500 or 1:1250 depending on the level of detail required. A slightly larger scale of 1:1000 has been used for this TPO to enable the approximate location of each tree to be clearly shown whilst retaining 4 street names to enable unambiguous site location. With the level of survey information available, plans of this general scale are common for Tree Preservation Orders and it is not considered that the chosen scale is inappropriate.

The method of assessment used by the Landscape Development section is the tree assessment criteria for inspection as per DETR recommendations in 'Tree Preservation Orders – A Guide to the Law and Good Practice' (March 2000). The assessment acknowledges that the trees are somewhat obscured from Park Avenue by existing trees at the front of the property but many of these are scheduled to be removed and the TPO trees will consequently become significantly more visible, and as a result will be important to the future development of the site. The trees, along with those to the rear of 5 Park Avenue which are included in TPO number 11, are visually important to the publicly accessible path to the rear of the properties and can be seen between the properties from Woodland Avenue. This additional description has been added to the amended Statement of Reasons to clarify the reasons.

If one or more of the TPO trees is causing structural damage, an application, accompanied by written technical evidence from an appropriate expert, can be made for appropriate work.

It is accepted that the exact number of trees that will be retained in the longer term will ultimately be determined by the development proposals for the site and the resultant planning application, which will take precedence over the Tree Preservation Order. This should be proportionate, and appropriate to the site.

TPO 11 was made in 1969 and of the original 8 trees included at 5 Park Avenue only 4 remain. These contribute a relatively small number to the 20 currently growing on the site. Although the sycamores trees may not have been thought worthy of inclusion in the Order in 1969 it is now considered that after the intervening years they are important to the character of the site and amenity of the locality.

Issues

The trees are situated in the grounds of 7 Park Avenue, Wolstanton, which is run down and unoccupied and in the process of being redeveloped. They are a group of sycamore trees adjacent to the south-eastern boundary of the site which complement the trees on the adjacent 5 Park Avenue included in Tree Preservation Order number 11. They are mature and can be seen from the path at the rear of the site and to some extent from Woodland Avenue and, when the site is developed and trees that are of poor quality or an obstacle to development are removed, will be visible from Park Avenue.

The trees are a significant feature to the locality and provide an important contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

A planning application was received in March of this year (reference 15/00174/FUL) to redevelop the existing detached residence and ancillary coach house into 14 apartments and 1 house. This included for the removal of a high proportion of the trees on the site and failed to demonstrate that the retained trees would not be adversely affected by the scheme. This gave rise to concern that trees could be felled to remove them as an obstacle to development.

The planning application was withdrawn in June 2015 and the Landscape Development Section has not been approached since with regard to alternative proposals.

Your officers inspected all of the trees on the site in June 2015 and carried out a TPO assessment despite difficulty of access due to site restrictions and dense shrubby vegetation. Although there are trees on the site of low quality, the sycamore trees to the rear of the property were found worthy of an Order. They are considered to be in reasonable health as far as can be seen, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 2nd July 2015 in order to protect the long term well-being of the trees.

Amendments

Since the provisional Order was served there has been clearance of shrubs and vegetation that had made access and visibility difficult. It is apparent there are 7 rather than 8 sycamores worthy of retention and these individual trees within the group have been plotted more accurately on the plan and the schedule amended accordingly. The symbol used for outlining the group on the plan has also been amended from a solid to a broken line as recommended by the regulations.

Additional explanation has been included in the Reasons for Making the Tree Preservation Order to clarify how the trees are visually important.

Date report prepared

30th September 2015