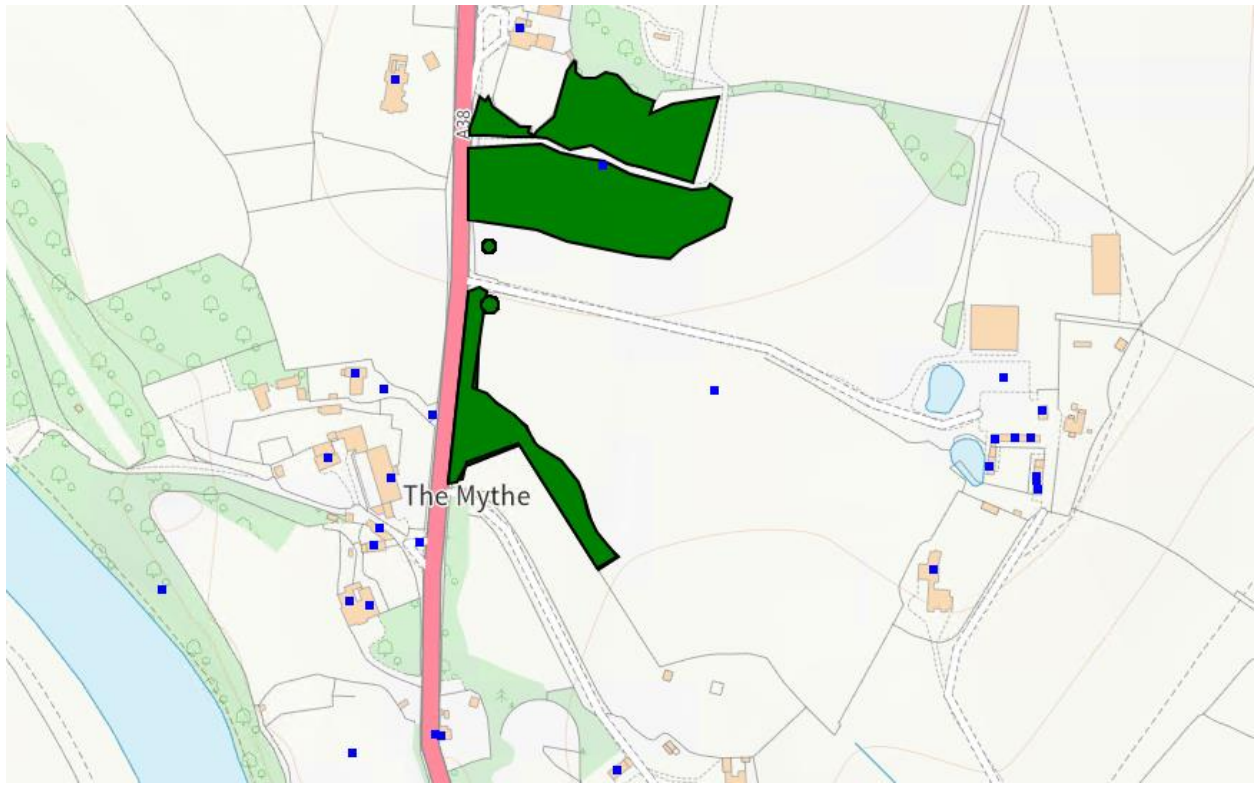


Planning Committee

Date	23 May 2024
Case Officer	Gaynor Baldwin
Application No.	TPO 421
Site Location	Part Parcel 2352 and Land Adjacent Mythe Road Tewkesbury
Proposal	To confirm TPO 421
Ward	Tewkesbury North and Twynning
Parish	Tewkesbury
Appendices	Tree Preservation Order 421
Reason for Referral to Committee	Objection received
Recommendation	It is recommended that TPO 421 is confirmed without modification

Site Location



1. The Proposal

This report summarises the reasons and circumstances for making Tree Preservation Order (TPO) No. 421 (**Appendix 1**) and provides details of the objection and the case for the order to be confirmed.

2. Site Description

- 2.1** The Tree Preservation Order (TPO) seeks to protect two areas of Woodland, a couple of individual trees and an Area of trees adjacent to the A38 which is the main route into Tewkesbury Town Conservation Area.
- 2.2** A planning Public Inquiry has recently taken place for Planning Ref: 22/00610/OUT and a decision will be made in due course for residential development (up to 165 dwellings), associated works, including infrastructure, open space, landscaping and pumping station. Construction of a new vehicular access from Mythe Road and demolition of existing structures.
- 2.3** The woodland trees are identified as Priority Habitat - Deciduous woodland as shown on DEFRA Magic Maps. The Woodland, Area and Individual trees are worthy of a TPO by virtue of their present and future public amenity and habitat value.
- 2.4** Only trees that have a Tree Preservation Order or are located within a Conservation area are protected by Legislation. Without a Tree Preservation Order the trees could be at risk of being cut back or felled without consent from the Local Planning Authority.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
22/00610/OUT	Residential Development (up to 165 dwellings), associated works, including infrastructure, open space, landscaping and pumping station. Construction of a new vehicular access from Mythe Road and demolition of existing structures.	Committee decision – Minded to Refuse	Appeal decision pending

4. Consultation Responses

Parish Council - no comments received

5. Third Party Comments/Observations

- 5.1** One objection received

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

The law on Tree Preservation Orders is in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which came into force on 6 April 2012.

The following planning guidance and policies are relevant to the consideration of this application:

6.2 National guidance

Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. By not taking the recommended action the Council risks the permanent loss of various significant trees and their wildlife habitat, therefore failing to deliver its commitment to the preservation of their trees and biodiversity.

7. Background

- 7.1** A Tree Preservation Order was made to protect and safeguard the trees and for them to be a material consideration when assessing planning application ref 22/00610/OUT. It is considered that in the interests of amenity, that it was expedient to make an Order. If the trees were removed there would be a significant adverse impact on the amenity of the area.
- 7.2** TPO Guidance states: 'it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order.'
- 7.3** The Tree Preservation Order seeks to protect two areas of Woodland, a couple of individual trees and an Area of trees adjacent to the A38 which a section of this is ear-marked for removal to be able to serve the entrance to the proposed residential development. These trees line the A38 which is one of the main routes into Tewkesbury Town Conservation Area.
- 7.4** The landowner and agents were notified of the making of the TPO and given the standard twenty-eight days to make any representations. One objection was received and is summarised below together with the Tree Officer's response.

7.5 A summary of the objection is listed below:

Objection	Summary of Objection	Councils Response
1.	This objection relates only to some trees within the Order which are shown as A1 on the TPO plan. The trees do not provide enough public benefit to merit protection in the interests of public visual amenity	The Tree Preservation Order (TPO) seeks to protect two areas of Woodland, a couple of individual trees and an Area of trees adjacent to the A38 which is the main route into Tewkesbury Town Conservation Area. The Woodland, Area and Individual trees are worthy of a TPO by virtue of their present and <u>future</u> public amenity and habitat value.
2	Objection does not relate to principle of the Order itself but to the fact that it is unnecessarily 'heavy handed' and unspecific in terms of its 'blanket' protection of inappropriate trees using the 'area' classification.	The area category is one way of protecting individual trees dispersed over an area. Authorities may either protect all trees within an area defined on the Order's map or only those species which it is expedient to protect in the interests of amenity.
3	Suitability assessment for the Tree Preservation Order has been submitted that forms part of the objection that in summary states: Use of the Area classification is unnecessary and inappropriate. Only some of the roadside trees are suitable for TPO. Much of A1 makes limited/negligible contribution to the local amenity and enjoyment by the public. Many trees have impaired form, structural condition and appearance. Some of the trees are in relatively poor physiological condition.	Where a group of trees are being assessed for their condition, it is important to score the condition of those principle trees without which the group would lose its aerodynamic or visual cohesion. If the group cannot be 'split' in this way, then its average condition should be considered. The tree survey that accompanied the planning application considered the condition of the group of principle trees along the roadside to be structurally and physiologically good. When the Tree Evaluation Method for Tree Preservation Orders (TEMPO) was implemented, this section scored a 3 for fair condition

4	T1 appears to be shown too far to the east on the TPO plan	The legislation does not require authorities to describe the trees in the Order with full scientific names or plot them on the map with pinpoint accuracy. T1 – Oak tree is the only oak tree adjacent and north of the access road in this location therefore there is no doubt which tree T1 is.
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8. Conclusion

- 8.1** This order seeks to protect two areas of Woodland, a couple of individual trees and an Area of trees adjacent to the classified road A38 which is one of the main routes into Tewkesbury Town Conservation Area.
- 8.2** The Woodland, Area and Individual trees are worthy of a TPO by virtue of their present and future public amenity and habitat value.
- 8.3** A decision is pending from the Planning Inspectorate for residential development (up to 165 dwellings), associated works, including infrastructure, open space, landscaping and pumping station. Construction of a new vehicular access from Mythe Road and demolition of existing structures.
- 8.4** If the planning application is successful, where the appeal is allowed, and the removal of protected trees are required to implement the permission, the Local Authority can vary the Order to omit the trees that will be removed but the remaining trees will still be afforded the protection of the Tree Preservation Order.

9. Recommendation

- 9.1** It is recommended that TPO 421 is confirmed without modification