

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	15 December 2020
Site Location:	Land Adjacent 25 Paynes Pitch
Application No:	Tree Preservation Order 404
Ward:	Churchdown Brookfield With Hucclecote
Parish:	Churchdown
Report by:	Mrs Gaynor Baldwin
Appendices:	<ol style="list-style-type: none">1. Land Registry Plan2. Photographs3. Copy of TPO 404
Recommendation:	To confirm the TPO without modification

1.0 INTRODUCTION AND BACKGROUND

- 1.1 This Tree Preservation Order relates to a group of trees situated between Dunstan Glen and 25 Paynes Pitch, adjacent to the highway **which are marked as G1 on the attached TPO plan**.
- 1.2 This report summarises the reasons and circumstances for making Tree Preservation Order (TPO) No. 404, provides details of the objections to, and representations in support of, the making confirmation of the TPO, and explains why officers consider that the TPO should be confirmed.
- 1.3 The residential garden area of 25 Paynes Pitch was cleared of nearly all its mature trees in July 2020. No application was required as there were no Tree Preservation Orders on the trees, and they are not in a conservation area. There were concerns raised by the local community at the time with regards to the row of trees that run adjacent to 25 Paynes Pitch and Dunstan Glen as at the time it was speculated that there were plans for possible development of the area, although no planning application had been received.
- 1.4 Since the TPO was made, a planning application for the demolition of 25 Paynes Pitch and the erection of 6 no. dwellings and associated access has been submitted and is as yet undetermined (application reference 20/ 00956/FUL).
- 1.5 The row of trees in question are of a mixed species consisting of native and non-native trees. The trees are clearly visible to the public and have high amenity value contributing to the street scene.
- 1.6 In light of the above, a TPO was made to protect and safeguard a group of trees as it was considered that the trees were under threat of being felled due to the trees within 25 Paynes Pitch being cleared as it was unknown at the time what the intention was.

- 1.7 It is understood that the land on which the trees are located is not within 25 Paynes Pitch ownership; it is now believed this strip of land is unregistered as it falls just outside the boundary of 25 Paynes Pitch.
- 1.8 The Government's Planning Practice Guidance sets out that 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'.
- 1.9 Once made, a TPO provides protection for a period of six months, during which time the local planning authority is required to confirm the TPO to ensure it continues to have effect and protect the trees subject to it.

2.0 PUBLICITY AND REPRESENTATIONS

- 2.1 The Tree Preservation Order was served on the land by being displayed, giving the required twenty eight days to make any representations. 43 emails of support from residents, Parish Council support and 2 emails of support from Churchdown Tree Wardens were received which are summarised below:

Parish Council: Refer to Churchdown and Innsworth Neighbourhood Development Plan which explicit provides in its 4 of its policies for the retention, protection and enhancement of green spaces and biodiversity habitats within the designated area. Refers to Policies CHIN2, CHIN3, CHIN9, CHIN10

Local Residents:

- Objection report reflects negativity and not a great amount of positive constructive comments and is not unbiased in its assessments made.
- TPOs should be used to protect selected trees if their removal would have a significant impact on the local environment and its enjoyment by the public.
- Replacement trees should the TPO trees be felled will take many years to offer a similar screen.
- There is established wildlife within the protected trees.
- Prudent to retain the TPO until such time that more information is available on the proposed development scheme to make informed decisions.
- Land has been managed by a local resident on behalf of the residents of Dunstan Glen and the wider community in Churchdown with no burden to the Council.
- Compatible with the aims and objects within Section 3.4 of the Churchdown and Innsworth Neighbourhood Plan 2018-2031.
- Felling trees have a negative impact on Climate Change.
- If planning is approved using the proposed access to the development trees will be felled. Having the TPO in place will minimise the tree loss.
- Area is loved by the residents especially the fruit trees and hedgehog paths.
- There is maximum visibility from both the road and the footpath which links Dunstan Glen to Paynes Pitch.
- Enhances the character of the area.
- Damson tree is unusual to find in suburban areas therefore relatively rare.
- There is maximum vulnerability/threat.
- There is high biodiversity, the trees support a variety of wildlife.
- Policies 3 and 10 of the Neighbourhood Plan refers to the retention of boundary trees, hedgerows, green corridors and orchard trees.
- Any development at 25 Paynes Pitch could use the existing gateway and driveway rather than felling the TPO 404 trees.
- Developers have already decimated most of the healthy trees at 25 Paynes Pitch there would be public outcry if these trees were felled.

- The trees provide screening and avoid the whole area becoming a green-less housing estate.
- The trees provide a wonderful impact on the environment and wellbeing and is greatly enjoyed by the residents.
- Beautiful landscape feature seen by many who use the public footpath.
- Do not want any further destruction to the environment in the proposed development area.
- The trees and surrounding hedgerows consistently provide a beacon of tranquillity in the built environment. It is not a patch of scrubland but a well-established area that provides a haven for wildlife.
- Importance of nature to our overall wellbeing.

2.2 One representation was submitted **objecting** to the TPO which is summarised as follows:

- The larger more prominent trees are generally of impaired structural form and appearance.
- The larger trees can only be retained in the longer term by means of repeated and disproportionately expensive management.
- One larger ash tree will progressively decline due to effects of ash dieback disease.
- All the trees are located outside 25 Paynes Pitch and are therefore not under threat. As such the TPO is not expedient.

3.0 ANALYSIS

- 3.1 The trees collectively appear to be in good health visually with no significant defects that would create cause for concern and have a healthy leaf foliage and covering. The trees have high amenity value as they are situated opposite the residential properties of Dunstan Glen and line the verge that leads to a public footpath that many residents use to cut through to Paynes Pitch. The trees have become even more important to the amenity of the area due to the felling of the mature trees within the residential curtilage of 25 Paynes Pitch **(photographs will be displayed at Committee).**
- 3.2 A group TPO has been used as the individual category would not be appropriate and the group's overall impact and quality merits protection. A Tree Evaluation Method for Preservation Orders (TEMPO) analysis has been carried out on the trees, giving a total score of 13 which states the decision as 'TPO defensible'.
- 3.3 The Order protects both visual amenity and valuable habitat. Any future grant of planning permission to develop the site could result in their part or complete removal. If the TPO is confirmed consideration will then have to be given to the trees contribution to the surrounding area through the assessment of any planning application but would not necessarily stop potential development.
- 3.4 The objector to the TPO has argued that the larger more prominent trees are generally of impaired structural form and appearance. Whilst this is acknowledged, it is not unusual for trees within an urban location to require management to allow for their retention. The trees are considered to have good vitality with good foliage which provide high amenity value and attractiveness within the street scene. The objector is also concerned that future maintenance costs would be disproportionately high, however this is not a matter for consideration when assessing the suitability of a TPO.
- 3.5 It is acknowledged that one of trees, an ash, may decline over time due to ash dieback disease, however if this is the case, and an application is required for its removal, a replacement tree can be secured which would retain the amenity value of the TPO as a whole.

3.6 Finally, it is understood that the trees fall outside the ownership of 25 Paynes Pitch and therefore outside the site of the planning application for 6 houses on the land. Nevertheless, there is a potential threat to the trees as a consequence of the proposed access.

4.0 CONCLUSION AND RECOMMENDATION

4.1 The removal of the trees would have a detrimental impact on the surrounding area and loss of an important habitat and confirming the TPO will offer some protection in retaining this important amenity. It is therefore recommended that TPO404 is **CONFIRMED**.