

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	15 February 2022
Site Location:	Land Adjacent Alstone Lawns Alstone
Application No:	TPO 411
Ward:	Isbourne
Parish:	Teddington
Report by:	Mrs Gaynor Baldwin
Appendices:	1 - Copy of TPO 411 2 - TEMPO assessment 3 - Letter of objection
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 in a prominent position within Alstone Village, the trees are adjacent to the highway which are marked as A1 on the attached TPO plan.
- 1.2 This report summarises the reasons and circumstances for making Tree Preservation Order (TPO) No. 411, (**Appendix 1**) provides details of the objection of the making confirmation of the TPO, and explains why officers consider that the TPO should be confirmed.
- 1.3 The parcel of land is situated within the village of Alstone and the area where the trees are located is classed as Important Open Space within the village as shown in the existing Local Plan and the proposed Tewkesbury Borough Local Plan 2011-2031
- 1.4 A TPO was made to protect and safeguard a group of trees as it was considered that the trees were under foreseeable threat of being felled due to the land being advertised for sale as a potential building plot.
- 1.5 A Tree Evaluation Method for Preservation Orders assessment was carried out and when added up the categories gave a total score of 16, the decision guide of the method states that if the score is 16 that the trees 'definitely merits a TPO'. – **Appendix 2**
- 1.6 The trees are early mature sycamores and from a visual assessment 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 clearly visible to the public and are situated in a prominent position contributing to the village setting.
- 1.7 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'.

1.8 Once made, a TPO provides protection for a period of 6 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 and served to the owners giving the required twenty eight days to make any representations.

2.2 One representation was submitted **objecting** to the TPO – **Appendix 3**

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 in a prominent position within Alstone village and contribute to the setting. **(photographs will be displayed at Committee).**

3.2 An area TPO has been used as the individual category would not be appropriate and the area'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 16 which states the decision as 'Definitely meets TPO'.

3.3 The Order protects both visual amenity and 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 questioned the legitimacy of the 'Important Open Space' and the reasons why it been designated as such. Notwithstanding the objector's concerns, it is the case that the designation of the land is not necessarily a consideration when assessing trees for a Tree Protection Order. The trees have been assessed on their amenity value.

3.5 The objector has also commented that (in their opinion) the site does not meet the definition of 'Open Space' in the Town and Country Planning Act 1990. Open is used in the same sense as in 'open countryside' i.e. free from development. It does not mean free from any obstructions i.e. trees. These areas are considered to be of amenity value to the public, clearly visible and important to the character of the settlement and the street scene.

3.6 The objector also comments that as recently as 2020 Western Power carried out necessary works to some of the trees, and that similar works in the future scenarios make the Tree Preservation Order untenable. However, it is the case that if tree works are necessary an application for tree works can be submitted for consideration to the Local Planning Authority and if works are deemed to be appropriate consent can be granted.

4.0 CONCLUSION AND RECOMMENDATION

4.1 The removal of the trees would have a detrimental impact on the surrounding area with loss of amenity and habitat. Confirming the TPO will offer some protection in retaining this important amenity within the village contained within the allocated Important Open Space. It is therefore recommended that TPO 411 is **CONFIRMED**.