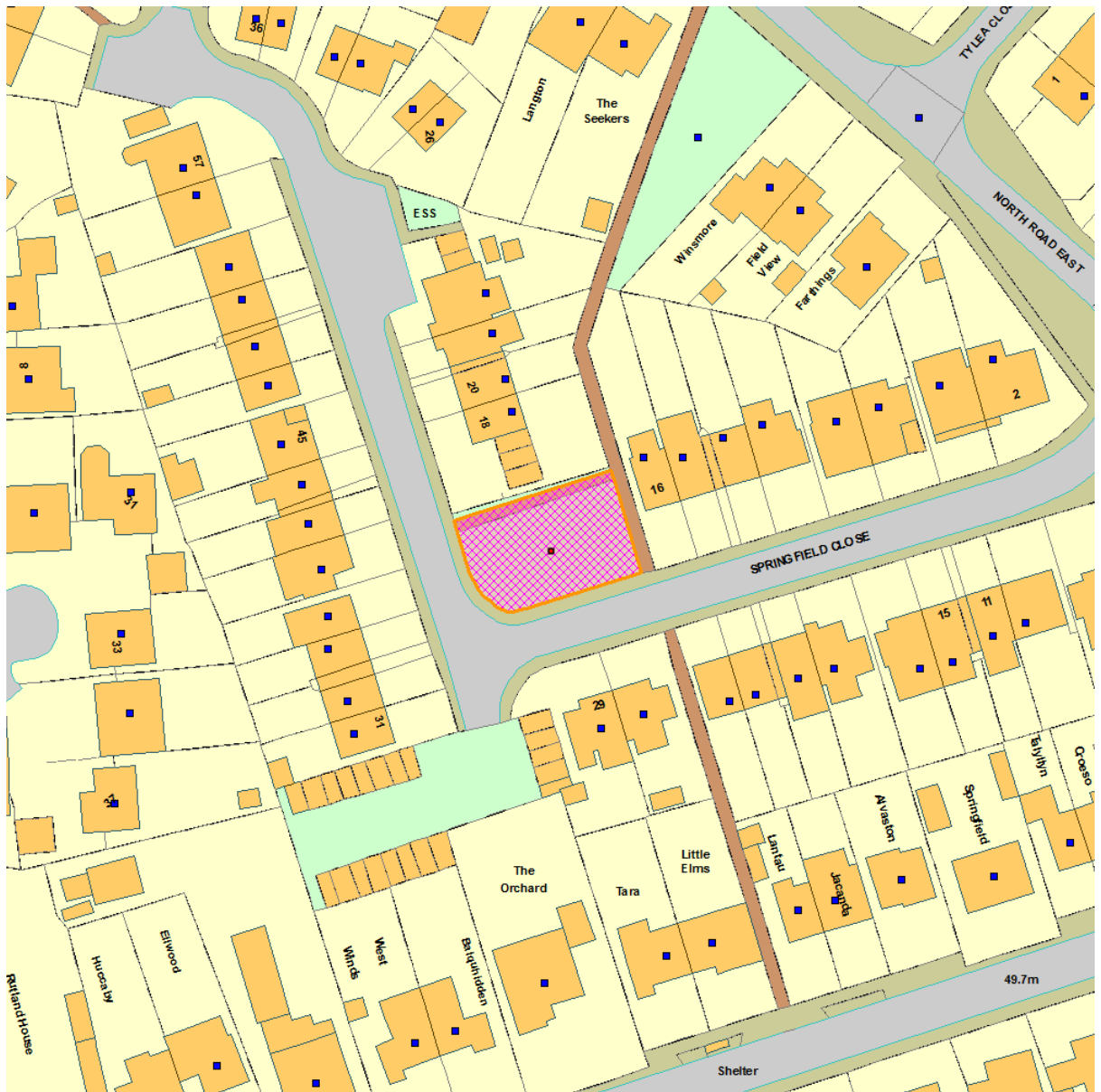


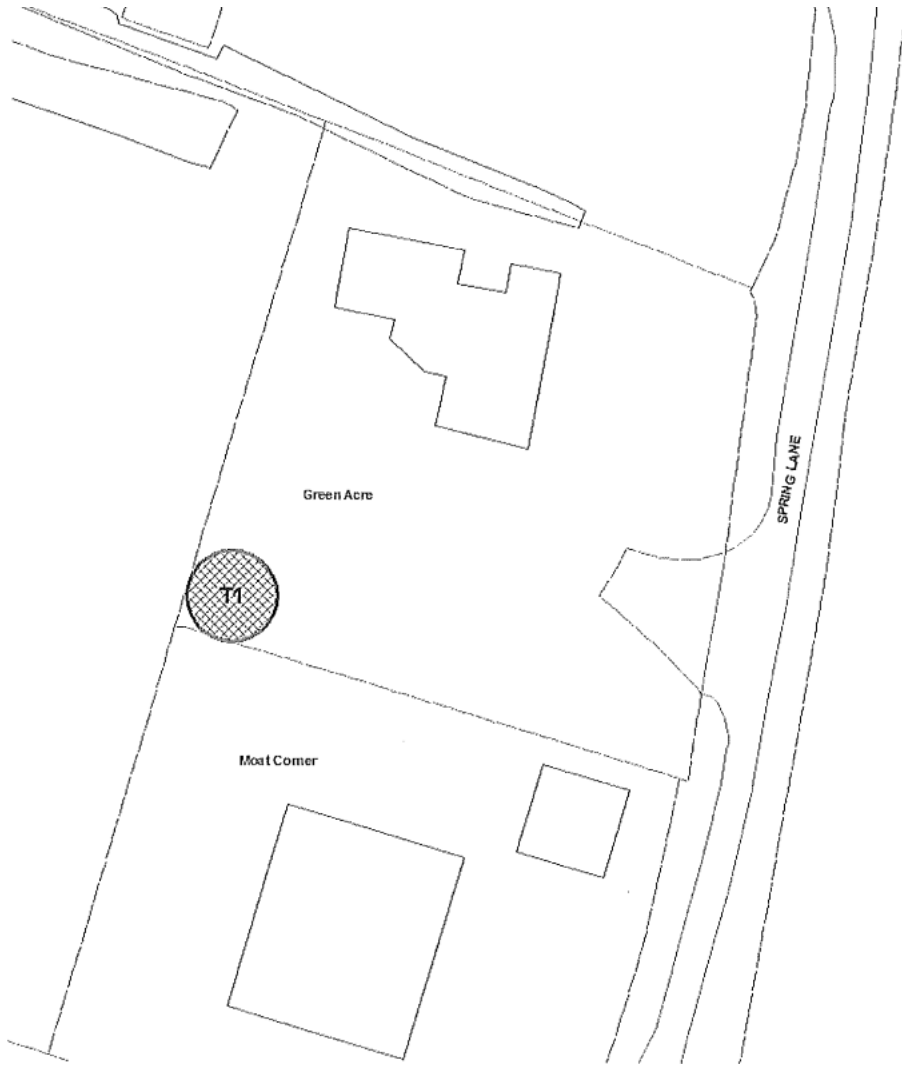
Officer Report

APPLICATION NO: 24/00812/TREEPO	OFFICER: Sam Reader
DATE PROVISIONAL TPO MADE: 22/2/24	DATE OF EXPIRY: 22/8/24
WARD: PRESTBURY	PARISH: PRESTBURY
LOCATION: Green Acre, Spring Lane, Prestbury	
PROPOSAL: Protect by TPO one pine tree to rear of Green Acre	

RECOMMENDATION: Confirm TPO

Site map:





1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Address is at the end of a quiet lane in Prestbury (albeit one that appears to be popular with pedestrians.)
- 1.2 There are trees of varying quality around the site. The Scots pine is the highest value, having the best form and the longest likely lifespan ahead of it. Although it is to the rear of the site, it has fair visibility and contributes to the locality. It is not yet fully grown and has the potential to be a much taller tree visible from many angles and some distance.
- 1.3 The tree overhangs the neighbouring property, Moat Corner, and to a lesser extent (or with less impact) the paddock to the rear.
- 1.4 The TPO has been made in response to planning applications 23/01618/PIP and 23/02089/OUT although these applications did not seek the removal of the tree.
- 1.5 Cheltenham Tree Services have sought permission (under application ref 24/00352/TPO) to prune the tree and permission has been granted for this pruning (see details below).

2. RELEVANT PLANNING HISTORY

Relevant Planning History:

23/01618/PIP – one dwelling (withdrawn)

23/02089/OUT – one infill dwelling (permitted)

24/00352/TPO – crown reduction of 2m height and spread, crown lift to 7m (permitted)

24/00554/FUL – replacement dwelling (pending)

3. POLICIES AND GUIDANCE

Adopted Cheltenham Plan Policies

GI2 Protection and replacement of trees

GI3 Trees and Development

4. PUBLICITY AND REPRESENTATIONS

- 4.1 Copies of the TPO were sent to the owner and immediate neighbour (where the tree overhangs), and a site notice was displayed.
- 4.2 In response to this, the owner of Moat Corner submitted an objection (no other responses were received). The key points were:
 - Amenity value of tree is low and not deserving of a TPO
 - Effects of tree escaping property boundary:
 - Roots lifting paving slabs

- Overhanging branches provide perch for pigeons who make a mess of paving slabs
 - Seasonal debris drop (needles / cones)
 - These factors led to the removal of an arbor that had been installed under the tree, and to the patio becoming unusable
- The admin burden and cost of applying for repeat works

5. OFFICER COMMENTS

The tree appears to be in good condition and should have a good safe lifespan ahead of it. It has good form and contributes to its surroundings.

The planning applications permitted on site would not remove the tree. However, they would likely increase pressure for removal of the tree. The new context for the tree would be a much reduced garden with reduced leisure space, a perception of increased risk of damage to property or injury, an increased likelihood of conflict arising from debris drop, shading, nuisance etc.

Policy GI2 of the Cheltenham Plan states:

The Borough Council will resist the unnecessary felling of trees on private land, and will make Tree Preservation Orders in appropriate cases.

Although no removal of the tree has yet been formally proposed, it is outside of any Conservation Area so is vulnerable during construction and beyond.

Policy GI3 of the Cheltenham Plan states:

Development which would cause permanent damage to trees of high value will not be permitted.

Given that the harm to the tree is foreseeable or at least likely, as a result of increased pressures from development, a TPO to protect the tree (coupled with protective measures during construction as conditions of permission) appeared a more appropriate approach than not permitting development.

Addressing the objection:

- The tree is in good condition, shows good vitality, has excellent colour and good form. It is currently visible from the road and is not yet fully grown. It has many safe years ahead of it. By these criteria, it can be judged to have good amenity value.
- The patio slabs have been lifted. This can be remedied by relaying them on sharp sand to allow for root growth.
- The overhanging branches have been and can continue to be pruned. Debris drop and pigeon guano are not reasonable grounds not to protect a tree.
- The admin burden of applying for tree works is minimal, often taken on by contractors on behalf of clients and should not represent a reason for not applying the TPO legislation. The Council does not apply a fee for applications to work on trees protected by TPO.
- CTS have applied for works to the tree that would reduce the nuisance element to Moat Corner. This application was permitted well within the timeframe afforded to LPAs (which is 8 weeks) at no cost (financial or otherwise) to the owner of Moat Corner.

6. CONCLUSION AND RECOMMENDATION

The TPO is justified:

- The tree is high value with a good safe life expectancy. It appears to be in good condition and has good form.
- It has good public visibility with growth likely to increase this.
- Development around it is likely to increase pressure on it both during construction and beyond.
- The objections to the TPO can be addressed through pruning and reasonable adjustments to accommodate the tree's roots.
- On balance, the benefits of the tree outweigh the problems it is causing.

Therefore, the Officer's recommendation is to confirm the TPO.