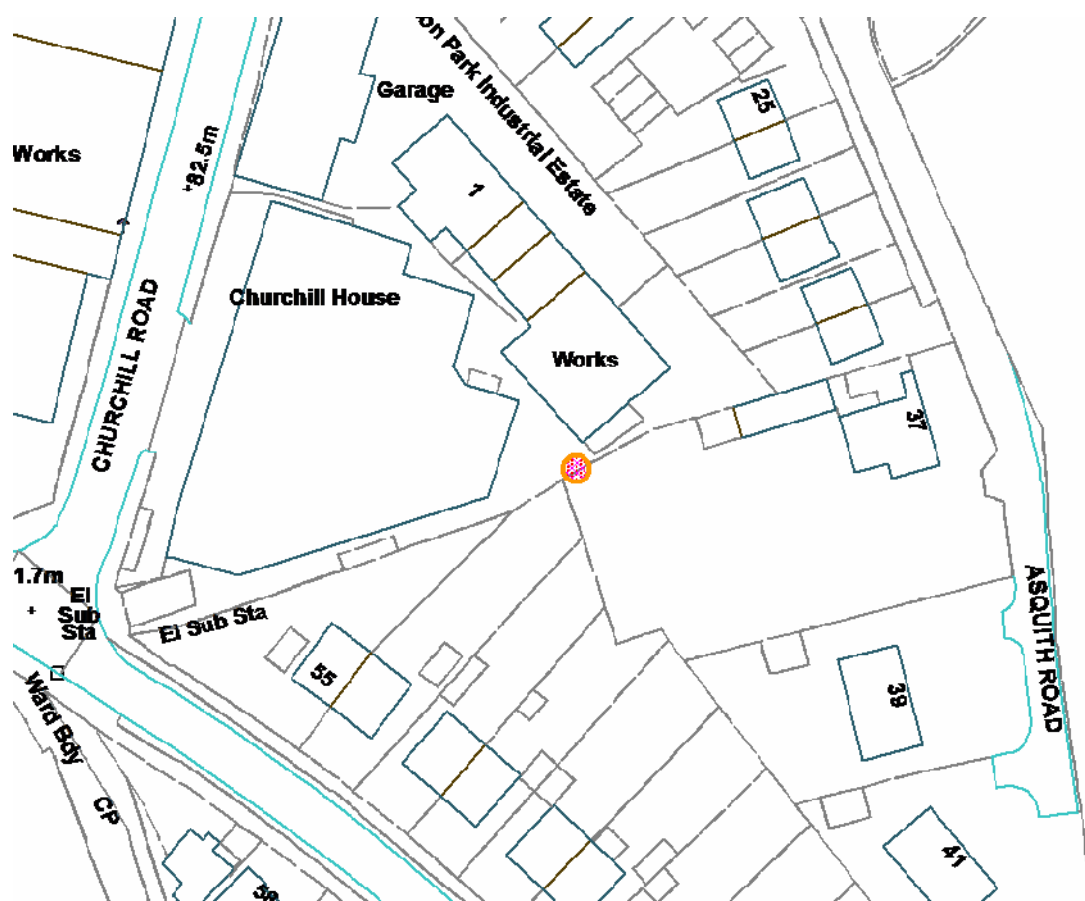


APPLICATION NO: (1) 14/00880/TPO (2) 14/00975/CONF		OFFICER: Miss Lindsey Mulraine
DATE REGISTERED: 19th May 2014		DATE OF EXPIRY: 14th July 2014 & 16th November 2014 (CONF)
WARD: College		PARISH:
APPLICANT:	Mr Tony Overbury	
AGENT:	Meadowside Tree Care	
LOCATION:	Unit 3, Naunton Park Industrial Estate, Churchill Road	
PROPOSAL:	(1) 14/00880/TPO Ash to rear of unit – fell (2) 14/00975/CONF Confirmation of Tree Preservation Order 14/00720/TREEPO; Twin-stemmed ash on north west boundary with 37 Asquith Road	

RECOMMENDATION: Refuse TPO application & Confirm the Tree Preservation Order



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The tree is located to the rear of a single storey, light industrial unit on the boundary with 37 Asquith Road. There is a current planning application (14/00566/FUL) which proposes to remove the tree as part of the proposal to construct 3no. B1 light industrial units following demolition of existing light industrial building.
- 1.2 Members of the Planning Committee need to decide upon two issues within this report;
- 14/00880/TPO - decision required to permit or refuse
- 14/00975/CONF – decision required to confirm or not confirm

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Tree Preservation Order reference 14/00720/TREEPO

Relevant Planning History:

14/00566/FUL PCO

Construction of 3no. B1 light industrial units following demolition of existing light industrial building

3. POLICIES AND GUIDANCE

Local Plan Policies

- GE5 The council will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders when appropriate.
- GE6 Development which would cause permanent damage to trees of high value will not be permitted.

4. CONSULTATIONS FOR 14/00880/TPO (felling of ash)

Gloucestershire Centre for Environmental Records

29th May 2014

Report available to view on line.

Cheltenham Tree Group

3rd June 2014

This tree appears healthy & attractive. We would not want to see it removed.

Three site notices were also erected on; Churchill Road, Asquith Road and Mead Road.

5. CONSULTATIONS FOR 14/00975/CONF (confirmation of the TPO)

Cheltenham Tree Group

10th June 2014

We have already expressed, in response to the application to fell this tree (14/00880/TPO), our opinion that we do not wish to see it removed.

We have visited this site and viewed the tree from different angles, and we feel that this attractive and apparently healthy tree has significant amenity value and we cannot see any compelling reason to remove it.

We support the Tree Preservation Order.

4 site notices were also erected on; Churchill Road, Asquith Road, Mead Road and one onto the tree itself.

6. PUBLICITY AND REPRESENTATIONS FOR 14/00880/TPO (felling of ash)

Number of letters sent	10
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

A petition in objection to this application has also been received; it contains a total 30 signatures of which 22 local properties and 8 allotment holders at Asquith Road Allotments

A summary of the objections are:

- Tree should not be removed to facilitate building works, any proposed development should take account of the tree
- No justifiable reason to remove this tree and wish to see the TPO remain in place
- The tree has a high amenity value within its immediate location
- The ownership of the tree is under dispute between the developer and 37 Asquith Road

7. PUBLICITY AND REPRESENTATIONS FOR 14/00975/CONF (confirmation of the TPO)

Number of letters sent	8
Total comments received	2
Number of objections	1
Number of supporting	1
General comment	0

A summary of the objections from the site owner/developer are:

- It is not in a conservation area
- The roots of the tree are undermining the foundations and floor of the adjacent unit
- An experienced landscape gardener informed owner that tree is showing signs of Ash dieback (letter dated 29th April 2014)

- Cannot demolish and rebuild site with tree in situ
- If tree removal agreed, he will happy to plant one or two trees further away from the building

A summary of comments from adjacent neighbour:

- Consider themselves to be owner of tree as have looked after it for 30 years
- Current planning application has also been objected to by the adjacent neighbours

8. OFFICER COMMENTS

8.1 Determining Issues

A planning application was submitted to this council for the development of this site which would require the removal of this tree. The Trees Officer carried out a TEMPO assessment and this tree scored 15 which equated to 'TPO defensible'. As this site is not within a conservation area, the threat to this tree was considered imminent and, in fact, tree felling had commenced which resulted the serving of the TPO.

8.2 The site and its context

The tree is located to the rear of light industrial units and on the north west boundary with 37 Asquith Road. Naunton Park Industrial Estate is surrounded by residential properties, therefore many of those properties look over it.

8.3 Impact on neighbouring property

There has been strong opposition from local residents to the felling of this tree, also from some of the plot holders of Asquith Road Allotments.

8.4 Other considerations

In response to the owner's comments:

- The fact that it is not within a conservation area should have no bearing on whether this tree is retained. Many TPO's are in existence that are outside of the conservation area, as well as within
- No supporting evidence has been submitted to support the claim of damage to the adjacent building
- Ash dieback (*Chalara fraxinea*) would not have been apparent when the tree was not in leaf. It is common for ash to have minor dieback (not *Chalara fraxinea*) within the crown
- More thought and consideration for this tree will be required on any planned proposals for the development of this site

- New trees would in time provide amenity value within this location, but due to the age and size of the current tree, by comparison the amenity value would not be seen for many years

9. CONCLUSION AND RECOMMENDATION

Member of the Planning Committee need to decide upon two issues within this report:

- 14/00880/TPO - decision required to permit **or** refuse
- 14/00975/CONF – decision required to confirm **or** not confirm

The decision will be either:

1) **Refuse** the felling of the ash (14/00880/TPO) and **confirm** the TPO (14/00975/CONF)

OR

2) **Permit** the felling of the ash (14/00880/TPO) and **not confirm** the TPO (14/00975/CONF)

This tree has a high amenity value within its immediate location and there are no valid reasons for its removal, the Trees Officer recommends that Members chose Option 1 and **Refuse** the felling of the ash (14/00880/TPO) and **confirm** the TPO (14/00975/CONF) to ensure its safe retention.

10. REFUSAL REASON FOR TPO APPLICATION

- 1 The reason given for the removal of this tree is to enable the development of the site, as such a current planning application is being considered of which the Tree Section has objected. More thought is required on the planning application whereby this tree is taken into account to enable its retention.

No supporting evidence was submitted as part of the tree or planning application to warrant the felling of this tree.

This tree has a high amenity value within its immediate location and as the threat to this tree is now imminent, this Local Planning Authority wishes to ensure its safe retention into the future.

Reason: The felling of this tree is contrary to Local Planning Policy GE5 and would be a loss of amenity within the conservation area.