

APPLICATION NO: 15/01953/CONF	OFFICER: Mr Chris Chavasse
DATE REGISTERED: 5th November 2015	DATE OF EXPIRY: 5th May 2016
WARD: Prestbury	PARISH: Prestbury
APPLICANT:	Mr Evan Hibbert
AGENT:	n/a
LOCATION:	Walnut Cottage, Tatchley Lane, Prestbury
PROPOSAL:	Confirmation of TPO no 736 - Walnut tree to the front of property

RECOMMENDATION: Order is Confirmed



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Confirmation of a Tree Preservation Order of a walnut tree in the garden of Walnut Cottage, Tatchley Lane, Prestbury.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints

Relevant Planning History

11/01101/PREAPP CLO
Bed and Breakfast

11/01508/PREAPP CLO
Change of use of outbuilding to holiday let accommodation and single storey side extension and porch to existing dwelling

15/01076/PREAPP 27th July 2015 CLO
Change of use of existing annexed guest accommodation to separate dwelling

79/00704/PF 1st May 1979 PER
Erection of a building to provide a study/gym, lobby and double private car garage

79/00705/PF 27th November 1979 PER
Extension to existing private car garage

11/01724/COU 10th January 2012 PER
Conversion and extension of existing outbuilding to provide holiday let accommodation. Single storey extension to main house, replacement of flat roofs to dormer windows with pitched roofs and extension of existing bay window

15/01507/COU PCO
Change of use of existing annexed guest accommodation to separate dwelling

3. POLICIES AND GUIDANCE

Local Plan

Policy GE5 - The council will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders when appropriate.

4. CONSULTATIONS

Cheltenham Tree Group: "We fully support the TPO"

5. PUBLICITY AND REPRESENTATIONS

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

5.1 Two site notices were erected

5.2 Comments Received

On 14th October, the adjacent neighbour (“Bartley”, Tatchley Lane) objected to the TPO, a synopsis reads:

1. Tree is a nuisance due it attracting squirrels which bury walnuts in lawn which then germinate.

The owner objected on 21st October 2015. A synopsis of his objection reads:

1. The tree does not have significant amenity value being partially obscured by adjacent trees and vegetation.
2. The tree attracts unwanted squirrels which run across the road and create a traffic hazard. Dead squirrels cause distress to road and footpath users alike. Squirrels also strip bark from other adjacent trees.
3. Walnuts and dead squirrels create a hazard for cyclists.
4. The owner has not received any explanation of the reasoning for the determination of the amenity value of the tree.
5. The tree is too close to the adjacent building and could grow considerably larger.
6. The tree is structurally flawed and the rooting pattern is not symmetrical rendering it unstable
7. The guidance used for determining the TPO value of the tree (TEMPO) was inappropriate.

The full letters are attached to this report.

6. OFFICER COMMENTS

6.1 Determining Issues

This walnut tree at Walnut Cottage has significant amenity value within this area and was under threat as a result of planning application no 15/01507/COU. The council wishes to retain this tree and the amenity it provides. To aid the evaluation of the tree’s worthiness of a TPO, a Tree Evaluation Method for Preservation Orders (TEMPO) assessment was undertaken and the tree was scored by Trees Officers as being “TPO defensible”. TEMPO is a widely used system in the industry and one which most Local Authorities use in most cases.

6.2 The site and its context

The tree is situated near to Tatchley Lane, this is a busy road that leads to Prestbury and much used by traffic and pedestrians. The Walnut is opposite a public library, a corner shop and is on a T-junction. It is adjacent to evergreen and other deciduous trees. It is not wholly visible from the road but it’s canopy is visible and this makes a visual contribution to the arb-rich character of Prestbury.

6.3 Design and layout

The tree is within a raised stone planter in the general parking area near the entrance of Walnut Cottage. It is currently in proportion to the site.

6.4 Impact on neighbouring property

The tree does not overhang the neighbouring property and does not directly impact this property.

6.5 Sustainability

The tree species tolerates pruning well and has been managed through crown reduction in the past. This could be repeated into the future without detracting from its amenity in the longer term providing all tree surgery work is done to the British Standard for Tree Work (BS 3998(2010)).

Whilst it is recognised that there is a structurally compromised main trunk where it divides into two limbs, the risk posed by this can be managed through crown reduction. This should also address concerns regarding action of tree roots on the adjacent building. Officers would likely approve future requests to reduce this trees canopy back to the original reduction points.

6.6 Other considerations

Section 198(1) of the Town and Country Planning Act, 1990 states that LPA's can make a TPO if it appears to them to be "expedient in the interests of amenity". Amenity is not defined in law and as such judgement is required when it is appropriate to make a TPO.

The TEMPO assessment used to determine the "TPO-ability" of the tree is for guidance only. Trees Officers consider they adhered to the practice notes within the guidance. The owner has not asked for an explanation of the TEMPO scoring undertaken on this tree.

The claims that the tree attracts squirrels and any associated perceived nuisance this entails is not a sufficient reason to allow the removal of the tree.

7. CONCLUSION AND RECOMMENDATION

7.1 Trees Officers recommend that this TPO is confirmed.