



## Development Control Committee Schedule 23/01/2024

<b>Item No:</b>	<b>01</b>
<b>Application No.</b>	S.23/2346/NEWTPO
<b>Site Address</b>	118 Thrupp Lane, Thrupp, Stroud, Gloucestershire
<b>Town/Parish</b>	Brimscombe And Thrupp Parish Council
<b>Grid Reference</b>	386299,203189
<b>Application Type</b>	New Tree Preservation Order
<b>Proposal</b>	New TPO/0591 - Beech Tree at 118 Thrupp Lane, Thrupp
<b>Recommendation</b>	Confirm the Tree Preservation Order without modification
<b>Call in Request</b>	Requested by Head of Development Management





## Development Control Committee Schedule 23/01/2024

<b>Applicant's Details</b>	Stroud District Council Ebley Mill, Westward Road, Stroud, GL5 4UB,
<b>Agent's Details</b>	None
<b>Case Officer</b>	Justin Hobbs
<b>Application Validated</b>	29.11.2023
	<b>OFFICER'S REPORT</b>

### CONFIRMATION OF TREE PRESERVATION ORDER

#### PURPOSE OF REPORT

To consider objection and support comments received to the making of Stroud District Tree Preservation Order No 0591 in respect of a single mature beech tree at 118 Thrupp Lane, Stroud, Gloucestershire and to determine whether or not to confirm the Order.

An effective tree preservation order makes it an offence to do any works to the protected trees without first gaining consent from the Local Planning Authority unless such works are covered by an exemption within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

#### INTRODUCTION

On 24.07.2023 the council received an email from the owners of 118 Thrupp Lane asking for clarification as to whether any TPOs affected trees at 118 Thrupp Lane as tree works were being planned. The owner received confirmation on 28.07.2023 from the council that at that time no trees at the property were affected by a TPO. In response to the initial email from the owners, and a further email from a member of public received 11.08.2023 about the potential loss of a large mature beech tree at the property and making a TPO to protect it, the council's tree officer made an assessment of the tree and determined it to be worthy of a TPO. A TPO protecting the beech tree was duly made on 28.08.2023.

#### DESCRIPTION OF TREE/SITE

The mature beech tree is located in the rear garden of 118 Thrupp Lane, Thrupp. Approximately 20m tall and characterised by multiple and substantial leading stems from approximately 2m, the tree can be seen from considerable distance in the vicinity. The tree has undergone a canopy reduction approximately 5 years ago. There is also bracing in the upper canopy (bracing is a system used to try and prevent large parts of a tree from failing). The tree has put on re-growth since the pruning works at the points of pruning. I would not classify this re-growth as extensive or vigorous, but for the age of the tree the amount of re-growth is what I would consider to be an expected level. Possibly pollarded in its early life, which has led to the multiple leading stems, the tree is of an old age, at least 150 years old, possibly up to 250 years old.

#### NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework September 2023

Available to view at:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>



## Development Control Committee Schedule 23/01/2024

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website: <https://www.stroud.gov.uk/LocalPlan>

Local Plan policies considered include:

ES8 - Trees, hedgerows and woodlands.

National Planning Policy Guidance (NPPG).

### **LEGISLATION BACKGROUND/TPO PROCEDURE**

A Tree Preservation Order (TPO) is an order made by a Local Planning Authority that makes it an offence to fell, prune, uproot, wilfully damage or destroy a tree without the Authority's permission. The Authority has a statutory obligation to protect trees worthy of preservation by means of TPOs.

The power to make a Tree Preservation Order (TPO) is contained in The Town and Country (Tree Preservation) (England) Regulations 2012. This specifies 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'.

Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether a TPO is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified.

When deciding whether a TPO is appropriate, the guidance outlines that protection should be given to trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an TPO they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

When considering whether trees should be protected by a TPO, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

#### Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

#### Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant a TPO The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;



## Development Control Committee Schedule 23/01/2024

- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

### Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

Stroud District Council uses a national recognised system to assess the expediency of making a TPO called Tree Evaluation Method for Tree Preservation Orders (TEMPO). TEMPO is used by many local authorities for this purpose.

Once a TPO is made, the council has a maximum of 6 months to decide whether to confirm the TPO as made, confirm the TPO as made but with modifications, or to not confirm the TPO. Allowing the 6 month period to pass without confirmation renders the TPO as lapsed and the trees are no longer protected.

The purpose of the maximum period of 6 months between making the TPO and confirming, modifying, or not confirming the TPO, is to allow a for representations to be made to the council about the TPO before deciding whether to confirm, modify, or to not confirm the TPO.

### **BACKGROUND TO THE TPO**

Following the original request to the council to consider making a TPO and the email from the tree owner indicating tree works were planned, the trainee arboricultural tree officer visited the property on 14.08.2023 and undertook an assessment for expediency to make a TPO using the TEMPO system. The initial assessment was undertaken from outside the property with a view to returning once the TPO was made to reassess/inspect the tree from within the property garden. The result of the assessment indicated it was expedient to make a TPO to protect the beech tree.

TPO 0591 was duly made on 28.08.2023. The council served notice on the owner and those affected by the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (The Regulations hereafter). A site notice was also posted on site.

### **REPRESENTATIONS**

Within the period for any objection and representations to be made to the Council is respect of making this TPO:

1 correspondence objecting to the making of this TPO was received from the tree owners.

1 correspondence in support of the making of this TPO was received from the Parish Council.

Outside of the 28-day statutory period a further 2 supporting comments were received.

A summary of points raised the letter objection to the TPO



## Development Control Committee Schedule 23/01/2024

1. Letters have been received from neighbours requesting the tree be reduced in height.
2. A report has been undertaken that indicated there were areas of decay and on the basis of this report the tree was reduced and bracing fitted into the canopy of the tree.
3. Putting a TPO on the tree could be detrimental to the properties below as the height has been allowed to become excessive.

A full copy of the support correspondences and the objection letter can be viewed on our website.

### **RESPONSE TO OBJECTIONS**

Following the making of the TPO, the trainee arboriculture officer and the tree consultant for SDC visited the property to re-assess the tree and provide an informal inspection of the tree from ground level using the principles of VTA (Visual Tree Assessment). The purpose of this was to determine if the tree or large parts of it had significant and obvious defects that would render it not expedient to confirm the TPO.

No significant and obvious defects were found although with a tree of this age and size some defects are expected. It is not appropriate for, or the responsibility of, the council to undertake a detailed and extensive tree condition inspection on a protected tree on private land and a full and more detailed inspection was recommended to the owners. The owners have stated in their objection letter that it is their intention to have such an inspection undertaken.

It was explained to the owners that if an inspection and report was undertaken by a suitably competent arboricultural consultant that recommended remedial works, the owners should use this report as a basis for an application for works to the tree. The council would be more likely to look favourably on a fully justified and evidence-based application for works.

### **ASSESSMENT/APPRAISAL**

The aged and prominent beech tree to the rear of 118 Thrupp Lane makes a significant and positive contribution to the surrounding area. Its large size in an elevated position results in the tree being able to be seen publicly from a wide area in the locality.

Confirming the TPO does not prevent fully considered and justified works being applied for.

### **OPTIONS AVAILABLE TO THE COMMITTEE:**

Members are reminded that they must properly consider the above issues before coming to a fully reasoned conclusion as to whether to:

- 1) Confirm the Tree Preservation Order without modification; or
- 2) To not confirm the Tree Preservation Order.

In doing so, Members must clearly give reasons as to why they have reached their decision.



## **Development Control Committee Schedule 23/01/2024**

### **RECOMMENDATION**

The beech tree to the rear of 118 Thrupp Lane subject to this TPO contributes positively and significantly to public amenity, and landscape in the vicinity. Assessment has shown it is expedient to confirm this TPO.

It is therefore recommended that TPO 0591 118 Thrupp Lane, Thrupp, Stroud, Gloucestershire (2023) should be confirmed as served.

There is no right of appeal the confirmation of an order so the Authority and Members have to demonstrate that they have made their decision in an even-handed and open manner. Therefore, Members are asked to consider all the information before them including the comments and objections received, prior to making a decision to confirm the order.

If the order isn't confirmed, the landowner can exercise their right to remove the tree.