

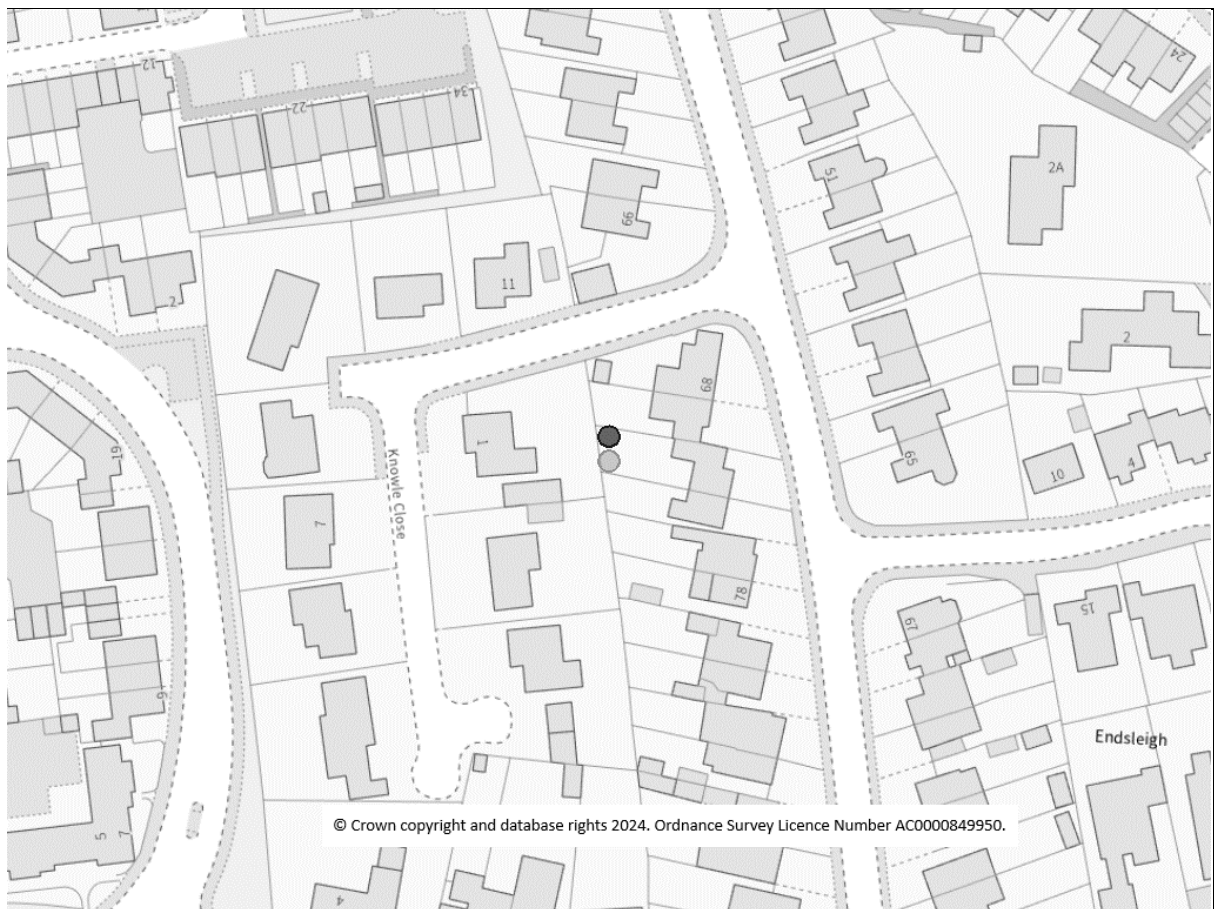
Agenda Item 1

Tree Preservation Order: 24/00009/TPO

Grid Ref: 301450 : 107134

Location: 72 Langlands Road
Cullompton
Devon
EX15 1JB

Proposal: Tree Preservation Order for 2 Birch trees



TREE PRESERVATION ORDER: 24/00009/TPO

REPORT OF THE HEAD OF PLANNING AND REGENERATION

Reason for Report:

Due to two objections received from Mr & Mrs Peach

RECOMMENDATION

That the Tree Preservation Order 24/00009/TPO is confirmed.

Relationship to Corporate Plan:

The proposal impacts upon the Corporate aim of 'Protecting the natural environment'

Financial Implications:

None

Legal Implications:

Tree Preservation Orders are made under the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. 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 woodland in their area.

Risk Assessment:

None

Consultation carried out with:

1. The landowners have been notified of the imposition of the Tree Preservation Order and provided with the opportunity to object to its confirmation.

PROPOSAL:

Tree Preservation Order for 2 Birch trees

RELEVANT SITE HISTORY/DESCRIPTION:

89/01312/FULL - PERMIT date 24th July 1989

Erection of extension

AMENITY EVALUATION:

1. Size	Score	Notes
1 Very small 2-5m ²	4.5	<p>The larger birch of the two is estimated to have a height of 12m and a crown spread of 8m.</p> <p>The smaller birch is estimated to have a height of 9m and a crown spread of 4m.</p> <p>As a result the two trees fall within two different size range in terms of amenity valuation.</p>
2 Small 5-10m ²		
3 Small 10-25 ²		
4 Medium 25-50m ²		
5 Medium 50-100m ²		
6 Large 100-200m ²		
7 Very large 200m ² +		

2. Life expectancy	Score	Notes
1 5-15 yrs	2	<p>The two trees were planted in 1978, thus nearly 50 years old and viewed as early-mature. It would be anticipated in their current situation they could continue to contribute to the local area for a further 40 years</p>
2 15-40 yrs		
3 40-100yrs		
4 100yrs +		

3. Form	score	Notes
-1 Trees which are of poor form	0.5	<p>The larger birch tree is viewed of average form, forming a twin stem from ground level. The main stem is of typical form and is upright. The second stem is viewed as inferior and noted with a lean of 20-30% Potentially would have benefited from being pruned/removed when the tree was younger.</p> <p>The smaller birch tree is inferior to the larger birch resulting in suppressed form. Informing the tree is below average from.</p>
0 Trees of not very good form		
1 Trees of average form		
2 Trees of good form		
3 Trees of especially good Form		

4. Visibility	Score	Notes
0 Trees not visible to public	3	<p>The trees are growing within the rear garden of 72 Langlands Road Cullompton and have good visibility from the highway scene of Knowle Close that services eleven properties. The upper crown can also be viewed along Langlands Road. A significant residential road that services many residential properties and connects to a main trunk Road.</p> <p>As the trees are visibly distinct in numerous views from the highway and stands well above most of the other garden trees. For these reasons it is awarded a higher visibility value than what would be typically associated.</p>
1 Trees only seen with difficulty or by a very small number of people		
2 Back garden trees, or trees slightly blocked by other features		
3 Prominent trees in well frequented places		
4 Principal features in a public area.		

5. Other trees in the area	Score	Notes
0.5 Wooded (70% = 100+ trees)	3	<p>There are a number of ornamental conifers and broadleaf shrubs that are visible in the immediate residential area. However, the presence of larger broadleaf trees that contribute to the wider street scene are few.</p>
1 Many (30% = 10+ trees)		
2 Some (10% = 4+trees)		
3 Few (<10% = 1+trees)		
4 None		

6. Suitability to area	Score	Notes
-1 Unsuitable	3	Trees are situated in the rear garden space of 72 Langlands Road Cullompton and provide pleasant buffering of a residential housing environment.
1 Just suitable		
2 Fairly suitable		
3 Particularly suitable		
4 Very suitable		

7. Future amenity value	Score	Notes
0 Potential already recognised	1	The two trees have some potential to put on further growth that may increase their visibility in the local setting.
1 Some potential		
2 Medium potential		
3 High potential		

8. Tree influence On Structures	Score	Notes
-1 Significant	1	No clear and obvious issue except for seasonal leaf and seed fall.
0 Slight		
1 Insignificant		

9. Added factors	Score	Notes
1 Rare	0	n/a
1 Screening unpleasant view		
1 Relevant to the Local Plan		
1 Historical association		
1 Considerable wildlife value		
1 Veteran tree status		

If more than one factor relevant maximum score can still only be 2.

10. Notes and total score	Score	Notes
Not / Reasonable for inclusion within the TPO (>15 Merits consideration)	18	Collectively the two trees merit protection with a score of 18. Individually T1, the smaller birch if assessed on its own merit would score 16 and T2 the larger birch tree is assessed on its own merit would score 20. Informing a TPO would still be reasonable for both trees.

REPRESENTATIONS:

The provisional Tree Preservation Order was made on the 09/10/2024 following the request by the owner of trees due to a letter requesting significant crown reductions works to the two trees that would ultimately result in their demise, also informing trespassing roots could be cut back. Following an amenity evaluation on the 21/08/24 it was determined the trees merited protection, and reviewing the letter requesting a level of tree works, it was deemed expedient to serve a Tree Preservation Order. Also the owner of the trees want to ensure they are protected once a time comes when they are no longer around.

Following notice of the provisional Tree Preservation Order two objections were received by Mr Peach and Mrs Peach, both dated 01/11/2024, whom are neighbours to 72 Langlands Cullompton and were the authors of the letter requesting significant tree works.

MAIN ISSUES:

The issues raised in the two objection letters are summarised and addressed as follow:

1. The two trees are in the back garden of 72 Langlands Road and are hardly visible or accessible to the general public and do not provide any amenity value.

Response:

Though the two trees are in the back garden of 72 Langlands Road they are visibly distinct in numerous views from the highway as they stand well above most of the other garden trees in the local area.

2. Silver birch is totally unsuitable for an urban environment, The RHS state they could grow to 25m in height with a spread of 8m.

Response:

From a tree stand point, a tree growing in a residential garden setting would not be viewed as an urban environment unsuitable for Silver birch trees. Silver birch trees are a native to England and are quite a common tree in a residential housing estates. Though the tree have the potential to grow to 25m in height, they seldom achieve 20m in height from my experience. It is also worth noting, larger trees tend to provide the greatest benefits in terms of eco-system services and amenity value.

3. A Tree Preservation Order places a bureaucratic process on the owner to ask for permission to carry out suitable tree work on the tree.

Response:

It's important to recognise that a Tree Preservation Order should not be viewed as a bureaucratic tool to prevent tree works being carried out in a suitable timeframe. A Tree Preservation Order is there to ensure that proposed tree works are reasonable, suitable and adequately justified. The timeframe for a Tree Preservation Order application is only 8 weeks. It is also worth noting the owner of the tree is aware of the process and is supportive of Tree Preservation Order as they requested it.

4. A branch of the smaller tree crosses the trunk, so is not a good specimen. Where the trees were reduced in size it is felt wildlife if any would not be affected.

Response:

The form of the two trees has been addressed in the amenity evaluations and the small tree is noted as below average form. However, in taking into account other factors the tree meets the criteria of the Tree Preservation Order.

As the silver birch tree is a native to the UK its wildlife value is high providing habitat for more than 300 insect species as informed by the Woodland Trust. Pruning works could have a severe impact where it was to lead to the demise of the tree.

5. Seeds of the trees roots within gravel and the leaves create a compost in the gravel and litter the lawn.

Response:

Though it is recognised there is some seasonal nuisance from seed and leaf fall, these do not provide justification for reduction works as these would fall within seasonal garden maintenance, or a rationale for not protecting a tree. The effected

party may wish to review their garden surface to allow for easier maintenance.

SUMMARY:

The two birch trees provide good amenity value to the local landscape and are likely to continue contributing to the landscape in the medium-term. The issue raised by Mr and Mrs Peach whom are the neighbours who have objected to the Tree Preservation Order being confirmed, have been reviewed. The points raised are not sufficient to outweigh the contribution from the two trees. It is recommended that the TPO be made.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.