

CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- 17 December 2010

Agenda Item No:-
ED.43/10

Public

Policy

Delegated: Yes

Accompanying Comments and Statements

Required

Included

Environmental Impact Statement:

No

No

Corporate Management Team Comments:

No

No

Financial Comments:

No

No

Legal Comments:

No

No

Personnel Comments:

No

No

Title:- **PROPOSED TREE PRESERVATION ORDER NO. 254 LAND AT
DURRANHILL ROAD**

Report of:- **Assistant Director (Economic Development)**

Report reference:- **ED.43/10**

Summary:-

A Tree Preservation Order was made on the 21st October 2010 to protect one individual tree and two groups of trees on land adjacent Durranhill Road. This report considers an objection to the Order and concludes that the Order should be confirmed without modification.

Recommendation:-

It is recommended that the Committee resolve to confirm Tree Preservation Order 254 without modification.

Christopher Hardman

Assistant Director (Economic Development)

Contact Officer: Charles Bennett

Ext: 7535

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Tree Preservation Orders: A Guide to the Law and Good Practice

1.0 Background

- 1.1 The Town and Country Planning Act 1990, Section 198 provides that Local Planning Authorities may 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”. The Department of Environment Transport and the Regions document, “Tree Preservation Orders A Guide to the Law and Good Practice” advises that “Tree Preservation Orders should be used to protect selected trees and woodland if their removal would have a significant local impact on the environment and its enjoyment by the public”.
- 1.2 The land where the trees are situated is designated in the Carlisle District Local Plan 2001 – 2016 as “Land Allocated for Residential Development”. Recently proposals have been brought forward to develop this land.
- 1.4 A site visit was carried out to assess the trees on the site, and it was determined that one individual and two groups comprising ten trees were worthy of statutory protection by means of a Tree Preservation Order. A copy of the Tree Preservation Order plan and Statement of reasons are attached hereto at Appendix 1
- 1.5 The following made objections to Tree Preservation Order 254.
 - Mr J Jackson on behalf of Persimmon Homes Lancashire
- 1.6 The letter of objection and Officers reply are attached hereto at Appendix 2.

2.0 The Trees Amenity Value

- 2.1 In accordance with The Department of Environment Transport and the Regions document, “Tree Preservation Orders A Guide to the Law and Good Practice” an objective assessment of the contribution of the trees to the public amenity of the locality, and expediency was made.
- 2.2 The trees were assessed using the Tree Evaluation Method for Preservation Orders (TEMPO) system for trees enabling an objective assessment to be made of the amenity the trees provide and the expediency of protecting the trees.
- 2.3 The TEMPO assessment indicated that one individual tree and two groups of trees were worthy of the protection afforded by a Tree Preservation Order.

3.0 Summary Of Objections To Tree Preservation Order 254

3.1 The following objections have been made to the Tree Preservation Order:

- (i) The arboricultural report commissioned by Persimmon in relation to the development identified Tree E in Group 2 as a poor specimen and recommended it for removal. In light of the report it is requested that Tree Preservation Order is modified to remove tree E.

3.2 In considering the above objections Officers have the following comments to make:

- (i) The intention of the group classification is to protect trees whose overall merit outweighs their individual merit. As in this instance an individual tree in the group may not merit protection in its own right, but it does contribute to the overall value of the group. Protecting the tree ensures that when it needs to be removed its replacement can be guaranteed, thereby ensuring the continuity of the group as a whole.

4.0 Conclusion

4.1 Whilst it is accepted that it will be necessary to consider works to the tree in accordance with good arboricultural practice the Tree Preservation Order does not prevent this, albeit where appropriate an application will need to be made and replacement planting required.

4.2 Having duly considered all the representations and having weighed the objections against the present and future value of the trees it is considered that the trees will provide a significant level of public amenity for a reasonable period of time and therefore merit the protection afforded by a Tree Preservation Order.

5.0 Recommendation

5.1 It is recommended that the Committee resolve to confirm Tree Preservation Order 254 without modification.

Christopher Hardman

Assistant Director (Economic Development)

Contact Officer:

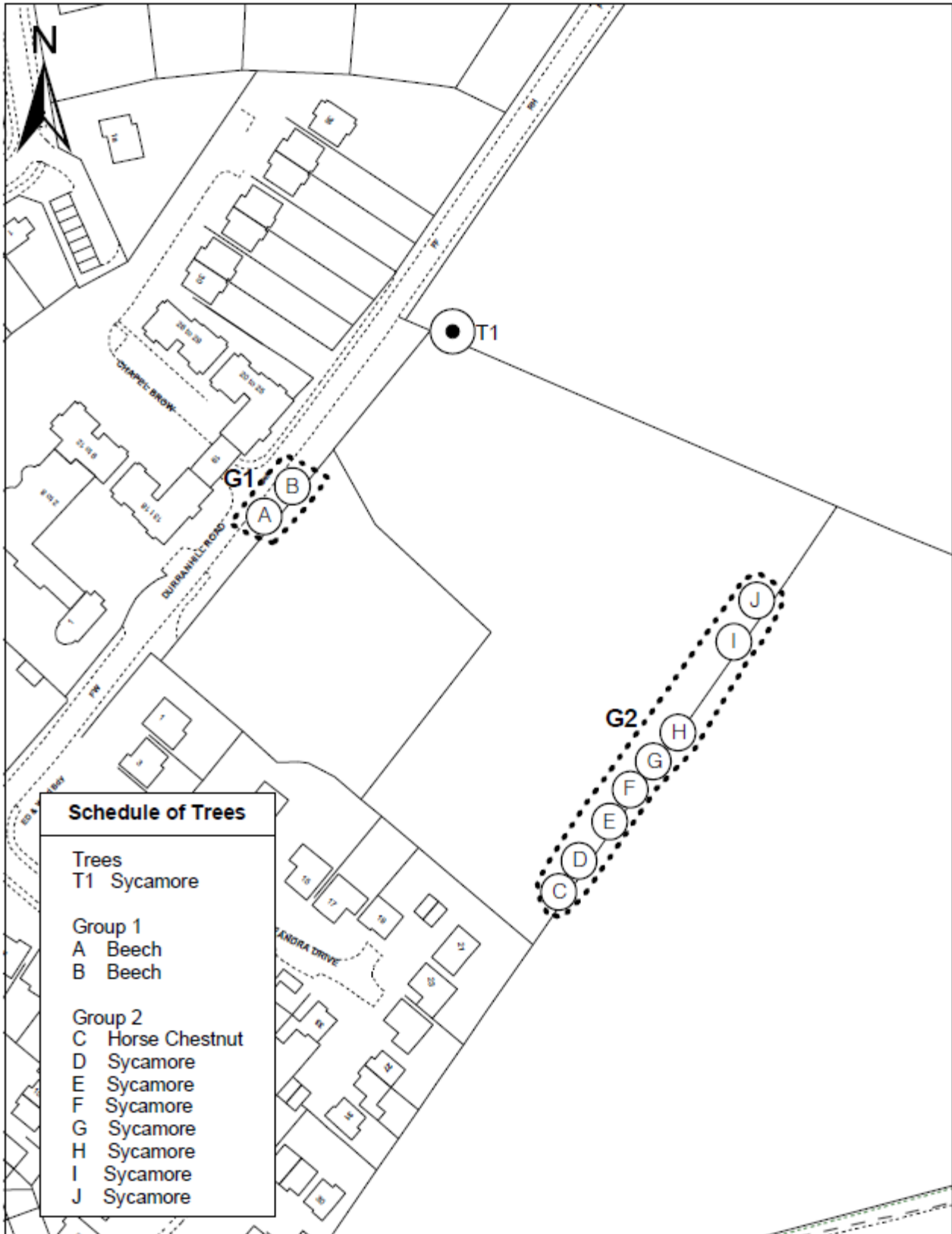
Charles Bennett

Ext:

7535

Tree Preservation Order 254 Plan
&
Statement of Reasons

Appendix 1



Town and Country Planning Act 1990 Sections 198(1) and 201

**Tree Preservation Order Number 254
Land at Durrannahill Road, Carlisle**



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Carlisle City Council LA 0100024459. 2010

Date: 20th October 2010

1:1,250 www.carlisle.gov.uk

Planning Services, Civic Centre, Carlisle, CA3 8QG

TREE PRESERVATION ORDER No. TPO 254

LAND AT DURRANHILL ROAD, CARLISLE

STATEMENT OF REASONS

By virtue of section 198 of the Town and Country Planning Act 1990 the local planning authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity to make provision for the protection of trees and woodlands in its area.

The guidance set out in the Department of the Environment Transport and the Regions document 'Tree Preservation Orders, A Guide to the Law and Good Practice' states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

The trees, by virtue of their size and location are clearly visible to the public both from the M6 motorway when heading north and Durranhill Road. There is a significant future benefit that will accrue from these trees as the land is developed and the trees help to integrate the newly developed area into the wider urban edge landscape.

It is considered that the loss of trees, which are subject to development proposals, would have a detrimental impact on the area and its enjoyment by the public therefore, to ensure the continuation of the visual amenity that the trees provide the Council of the City of Carlisle considers it expedient in the interests of amenity to protect the trees by means of a Tree Preservation Order.



PERSIMMON HOMES LANCASHIRE
 Persimmon House
 Lancaster Business Park
 Caton Road
 Lancaster
 LA1 3RQ
 Tel: 01524 542000
 Fax: 01524 542001
 Customer Care Tel: 01524 542065
 Customer Care Fax: 01524 542066
 www.persimmonhomes.com

Our ref: JJ0357
 26th October 2010

PLANNING SERVICES	
REF:	TPO 254
01 NOV 2010	
RECORDED:	CN
SCANNED:	
PASSED TO:	CB
ACTION:	R/D

Mark Lambert
 Assistant Director (Governance)
 Carlisle City Council
 Civic Centre
 Carlisle
 CA3 8QG

Recorded Delivery

Dear Mr Lambert

I write in reply to your letter dated the 21st October 2010 reference PG3/177 TPO 254 concerning Tree Preservation Order 2010 Number 254 which was provisionally made on the same day.

The schedule of trees as shown on the plan which is attached to the order states that a total of eleven trees would be subject to the TPO. As part of our planning application which is currently live for the erection of 49 dwellings, reference 10/0792, we submitted a supporting tree survey prepared by Campbell Logue dated the 22nd April 2010. The report appraised the quality of trees on the site, most notably those trees which are now the subject of the provisional TPO. Whilst the report acknowledges the value of those trees, one in particular Tree E in Group 2 which is a Sycamore was considered to be a poor specimen and was recommended for removal. In light of this report we would be grateful if the Council would reconsider the provisional TPO to exclude Tree E in Group 2 on this basis.

I look forward to hearing from you.

Yours sincerely

John Jackson MRTPI
 Land and Planning Manager
 Persimmon Homes Lancashire

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Mr Jackson
Land and Planning Manager
Persimmon Homes Lancashire
Persimmon House
Lancaster Business Park
Caton Road
Lancaster
LA1 3RQ

Please ask for:

Direct Line:

E-mail:

Your ref:

Our ref:

Charles Bennett
01228 817535
charlesb@carlisle.gov.uk

CB/TPO 254

03 November 2010

Dear Mr Jackson

OBJECTION TO TREE PRESERVATION ORDER 254 LAND AT DURANHILL ROAD

I refer to your letter dated 26th October 2010 in relation to Tree Preservation Order 254, and specifically Tree E in Group 2.

It is usual that individual elements comprising a group, such as Tree E, do not merit protection in their own right. However, the purpose of the group classification is to protect trees whose overall impact and quality merit protection.

To ensure that the group is sustainable as a landscape feature it is essential that when trees have to be felled they can be replaced, and this is what the Tree Preservation Order achieves. If a tree is removed by virtue of the exemptions within The Town and Country Planning Act 1990 s198(6)(a) because it is dead, dying or dangerous there is a duty to plant a replacement. If the tree is removed following an application to fell, its replacement can be assured by means of a condition attached to the consent.

In conclusion I consider it important for the groups sustainability that Tree E remains protected.

Yours sincerely

C Bennett

Landscape Architect/Tree Officer

Copy to : Mr Mark Lambert, Assistant Director (Governance), Carlisle City Council



INVESTOR IN PEOPLE