

# CARLISLE CITY COUNCIL

Report to:- **DEVELOPMENT CONTROL COMMITTEE**

Date of Meeting:- **19th APRIL 2002**

Agenda Item No:-

**A2**

**Public**

**Policy**

**Delegated: Yes**

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## Accompanying Comments and Statements

**Required**

**Included**

Environmental Impact Statement:

No

Corporate Management Team Comments:

No

City Treasurers Comments:

No

City Solicitor & Secretary Comments:

No

Head of Personnel Services Comments:

No

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**Title:-**

**TREE PRESERVATION ORDER 166 - LAND ADJACENT  
TO BRUNSTOCK COTTAGE, BRUNSTOCK**

**Report of:-**

**DIRECTOR OF ENVIRONMENT AND DEVELOPMENT**

**Report reference:-**

**EN 053/02**

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## Summary:-

This report sets out an objection that has been received to a tree preservation order (TPO) that has been served on a small woodland adjacent to Brunstock Cottage, Brunstock in November 2001.

**Recommendation:-** That Tree Preservation Order 166 is confirmed.

**Contact Officer:** Jillian Hale

**Ext:** 7191

**Jillian Hale**

Principal Assistant Local Plans Officer xt 7191

07 January 2002

**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: None

## 1.0 INTRODUCTION

- 1.1 Under section 198 (1) of the Town and Country Planning Act, a local planning authority can make a tree preservation order (TPO), 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'.
- 1.2 Policy E18 of the Carlisle District Local Plan states that trees which contribute to amenity and are under threat will in appropriate cases be protected by a TPO.
- 1.3 In the Secretary of State's view, TPOs 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 should therefore normally be visible from a public place such as a road or footpath.

## 2.0 TREE PRESERVATION ORDER 166

- 2.1 TPO 166 was served on a small woodland adjacent to Brunstock Cottage, Brunstock on 27th November 2001. The Order was served in response to a planning application being submitted for the erection of two houses in the woodland, and to an anonymous phone call informing the Council that work was beginning on the site with a chain saw. In addition, Brunstock Cottage is a listed building, and the small woodland contributes to its setting.
- 2.2 There are concerns that the site can not accommodate two houses and their associated driveways without significant loss of tree cover. The applicant has provided details showing the exact location of each tree together with the extent of crown spread, and a note of the condition of the trees. This information is required in accordance with advice set out in the Council's adopted Supplementary Planning Guidance, Trees on Development Sites, and enables a full assessment to be made of the proposed development on the trees.
- 2.3 Officers are currently negotiating with the applicant over the proposed development, and it is likely that a report will be presented to the June Development Control Committee. However, it is important that this committee makes a decision whether or not to confirm the TPO, as TPOs are only provisionally valid for 6 months from the date on which they are made. This 6 month period expires on May 27th.

- 2.4 When a TPO is made, the Council is required to draw up a full Statement of Reasons setting out why the trees merit protection. This is attached at Appendix 1, together with photographs of the site.
- 3.0 OBJECTION TO THE TREE PRESERVATION ORDER
- 3.1 When a TPO is served, those affected by the Order have a 28 day period in which to object. Objections and representations can be made on any grounds.
- 3.2 An objection has been received on behalf of the owner of the trees on two grounds. Firstly, it is considered that some of the trees within the site are not in good condition and are not worthy of the Order, and secondly it is considered that the use of the woodland TPO is inappropriate and that the trees should be protected individually.
- 3.3 Further information has been received regarding the condition of the trees, as mentioned earlier in the report. This has been provided by an independent consultant. As a result of this information, together with a site visit and discussions between the parties concerned, it has been agreed that three trees on the frontage, and eight trees to the rear of the site can be removed, mainly on the grounds of poor health, disease and poor form.
- 3.4 The second part of the objection relates to the classification of the trees. There are four ways that tree can be protected within a TPO; either individually, as a group, as a woodland or as an area of trees. The intention of a group or woodland classification is not to protect trees which have individual merit and happen to be standing close to one another, but for their merit as a group.
- 3.5 It is considered that the value of the trees subject to the TPO is due to their impact as a small woodland or group. This can be seen from the attached photographs. Mature trees are a feature of Brunstock, and this particular woodland forms part of a tapestry of trees and small woodlands throughout the village. As a number of trees have now been removed, it is considered appropriate to amend the TPO to a Group classification, as it is slightly smaller than the original woodland. Each tree is, however, plotted individually on the plan for clarity.
- 4.0 RECOMMENDATION
- 4.1 That Tree Preservation Order 166 is confirmed.

**TREE PRESERVATION ORDER 166**

**LAND ADJACENT TO BRUNSTOCK COTTAGE, BRUNSTOCK, CARLISLE**

**Statement of Reasons**

Government guidance in respect of tree preservation orders states that such orders should be used to protect trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before tree preservation orders are made.

Carlisle District Local Plan Policy E18 states that trees which contribute to amenity and are under threat, will, in appropriate cases be protected by a tree preservation order.

The woodland adjacent to Brunstock Cottage is a mature woodland of predominantly oak and beech, and is an attractive site within this part of the village. The woodland therefore makes a positive contribution to the amenity of the area, and provides a visual break from the built development. It is not only of importance in this part of the village, but can be seen from a much wider area, providing a mature landscape feature. Mature trees are a feature of this village and its surroundings, and this woodland forms part of a tapestry of trees throughout the area.

The Council's adopted Supplementary Planning Guidance on Design in the Countryside makes reference to the need to consider and carefully assess the quality of public and private open spaces within a village. It states that views of such areas, together with the presence of any natural features such as trees are important considerations when assessing development proposals. There is a current planning application on this site for the development of two houses. It is considered that it is not possible to site two dwellings within this wood without seriously damaging the trees and the fabric of the whole woodland. As such the application has been recommended for refusal, and the officer's report makes reference to the need to make the wood the subject of a tree preservation order to safeguard it for the future.

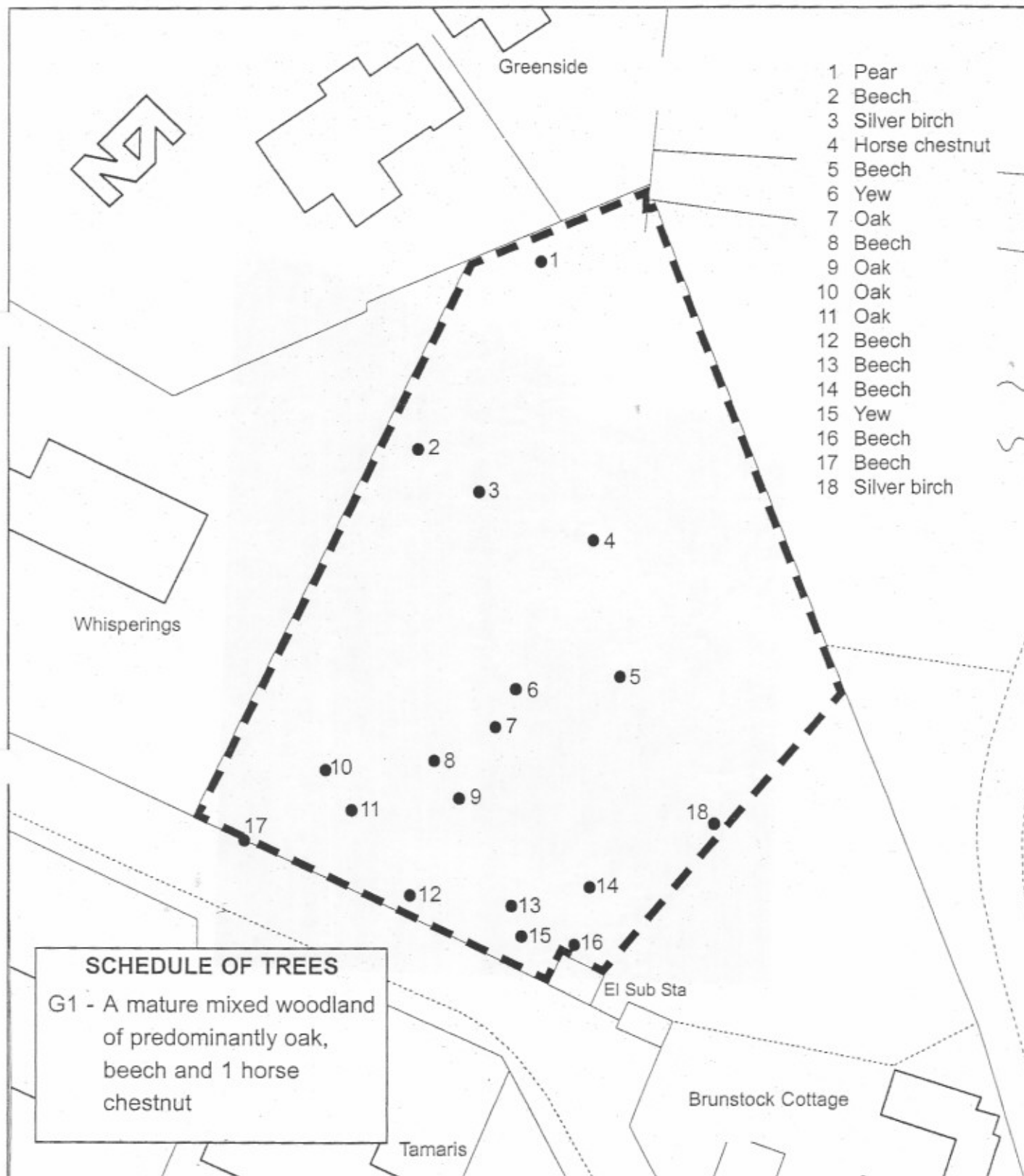
# City of Carlisle

Department of Environment and Development

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

Tree Preservation Order Number 166 - modified April 2002

Land adjacent to Brunstock Cottage, Brunstock



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Scale 1:500

Date April 2002

Grid Ref 341773E 559394N

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