

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **1st JULY 2014**

ADDRESS/LOCATION : **287 STROUD ROAD & 1 WILLOWTREE COURT, STROUD ROAD**

APPLICATION NO. & WARD : **TPO 287 – 287 STROUD ROAD**

APPLICANT : **GLOUCESTER CITY COUNCIL**

PROPOSAL : **CONFIRMATION OF TPO 287 (SUBJECT TO MODIFICATION)**

REPORT BY : **JUSTIN HOBBS.**

NO. OF APPENDICES/ : **1. SITE LOCATION PLAN.
2. TPO 287.
3. OBJECTION LETTER UNDATED (MAY 2014) FROM MR KILMISTER & MISS H VIRGO.
4. FIRST OBJECTION LETTER FROM MR & MRS PELPER (12 MAY 2014).
5. SECOND OBJECTION LETTER FROM MR & MRS PEPLER (28 MAY 2014).
6. EMAIL IN SUPPORT OF TPO FROM MS BUCK (22 MAY 2014).
7. LETTER FROM MR & MRS RUMSEY IN SUPPORT OF TPO (28 MAY 2014).
8. LETTER FROM MR BARRETT IN SUPPORT OF TPO (3 JUNE 2014)
9. LETTER FROM MRS BARRETT IN SUPPORT OF TPO (24 MAY 2014)
10. EXAMPLE TEMPO ASSESSMENT FORM
11. 06/01282/FUL LANDSCAPE & BOUNDARY TREATMENT PLAN.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 A site location plan is attached as appendix 1.

1.2 The Corsican pine tree protected by this Tree Preservation Order (TPO) stands on a thin strip of land owned by No 1 Willowtree Court, Stroud Road and immediately adjacent to the southern rear boundary of no 287 Stroud Road.

- 1.3 On 8th May 2014 the owner of 287 Stroud Road, Mr Kilmister, contacted your tree officer to establish whether a pine tree growing at the address was protected by a TPO. Mr Kilmister intimated he owned the tree and would like to remove it.
- 1.4 Your tree officer was aware of the tree due to a past planning permission to build two houses on land to rear of 283 – 289 Stroud Road (now Willowtree Court). At the time the tree was a healthy and prominent specimen and was retained within the development. With this in mind your tree officer visited site to assess the amenity value of the tree and the health of the tree.
- 1.5 Assessment determined the tree is worthy of a TPO. Given the apparent immediate threat to the tree a TPO was made by the City Council on 8th May 2014 and subsequently served on the owners of 287 Stroud Road and all surrounding properties. A copy of the TPO is attached as appendix 2.
- 1.6 Mr Kilmister contacted the City Council on 9th May to register his objection to the TPO. Your tree officer arranged to meet Mr Kilmister and further inspect the tree on 13th May. This inspection confirmed that the tree is presently in overall good health with no signs or symptoms that the whole tree, or large parts of it are liable to fail.
- 1.7 Since the making of the TPO it has been confirmed that despite appearances on the ground making no 287 Stroud Road the most likely owner of the tree, the tree is owned by the property to the rear, 1 Willowtree Court. This has been confirmed by land registry searches and by correspondence with the owner of 1 Willowtree Court.
- 1.8 The City Council has a maximum of 6 months from 8th May 2014 to confirm the TPO or the TPO (and the protection afforded to the tree via it) will lapse. This time period is to enable the City Council to consider any comments, objections, and support for the TPO prior to confirmation.
- 1.9 The proposal is that that the Council of the City of Gloucester (287 Stroud Road) Tree Preservation Order 2014 is confirming subject to the following modifications:
 1. The title of the order is amended to The Council of the City of Gloucester (Land adjacent to 287 Stroud Road) Tree Preservation Order 2014.

2.0 RELEVANT PLANNING HISTORY

- 2.1 06/01282/FUL was granted consent on 1st November 2006 for construction of 2 detached properties on land to the rear of 283 – 289 Stroud Road. This has subsequently become the two properties at Willowtree Court. Condition 4 of the consent states *“No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and*

hedgerows on the land, and details of any to be retained". Condition 5 states "none of the existing trees and/or hedgerows on the site shall be felled or wilfully damaged or destroyed without written consent of the local planning authority". The Landscape & Boundary treatment plan submitted (Peter Marshall Architect Limited Aug 2007) indicates the retention of the pine tree. Refer to appendix 11.

2.3 07/01097/FUL was granted consent 10th August 2007 for minor amendments to the appearances of the properties at Willowtree Court.

2.4 Construction of the two properties at Willowtree Court was completed by April 2008.

3.0 LEGAL IMPLICATIONS

3.1 Once a TPO is made the tree(s) covered by the order are protected under the provisions of the Town and Country Planning Act 1990. The Town and Country Planning (Tree Preservation)(England) Regulations 2012 set out procedural requirements relating to TPOs.

3.2 The City Council has a maximum of six months following the making of the TPO to confirm it otherwise the TPO lapses at the end of this period and the tree(s) covered by the order are no longer protected.

3.3 The City Council may confirm a TPO either without modification or subject to such modifications as are considered expedient. Alternatively, the City Council may decide not to confirm a TPO at all.

3.4 The validity of a TPO can be challenged by way of application to the High Court. Any person who is aggrieved by an order may make such an application on the grounds:

(a) that the order is not within the powers of the 1990 Act or

(b) that the requirements of the 1990 Act or regulations have not been complied with in relation to the order.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 As is required by the 2012 regulations, the TPO was served on every owner and occupier of the land on which the tree is situated and on every other person who is entitled to fell or prune the tree protected; for example, where a property is overhung by branches and there are common law rights to cut those parts of the tree.

5.2 The City Council has received three objections to the making of the TPO and four correspondences in support of the TPO.

5.3 A written objection was handed to your tree officer from Mr Kilmister and Miss Virgo on 13th May. Members are asked to refer to appendix 3 for a full copy of the letter. Mr Kilmisters & Miss Virgos objections include:

“Myself and my partner feel that we need to sell and move, as this tree causes us to have lack of sleep when high wind storms occur, at the worry that if it fell, due to its large size it would completely flatten our property”

“It has damaged and broken guttering on my garage due to the large amount of needle drop, pine cones and branches falling into it”

“We do not get much, if any, sun during sunrise as the tree blocks it out during the day”

“The tree has out grown its area...the tree has not stopped growing and could potentially double in size..future issues are inevitable”

“There are drains that run within a metre of the tree, which are currently blocked..which makes me worry of root damage that could be occurring underneath”

“The knock on effect it will now have is my property is worth less than before”

Mr Kilmister & Miss Virgo also appear to contest the amenity value of the tree due to its limited public view.

5.5 Two letters of objection have been received from Mr & Mrs Pepler (285 Stroud Road). Members are asked to refer to appendix 4 and appendix 5 for full copies of the letters. Mr & Mrs Peplers objections include:

“the tree is an eye sore towering above our home casting shadow and cutting out light into our garden”.

“The needles & twigs falling from the tree block our gutters and down pipes”

“We were unable to use the garden for a period of two weeks because we were persistently attacked by crows that were perched in the tree”

“In our view the tree has out grown its surroundings and is too big for its current position.”

“We understand the roots of this tree were cut back to accommodate the building of the new access road. This leads us to have grave concerns regarding the future stability of this tree.”

Mr & Mrs Pepler also question the amenity value of the tree due to its position away from the main Stroud Road.

- 5.6 Three letters supporting the TPO (Mr & Mrs Barret, 289 Stroud Road & Mr & Mrs Rumsey, 291 Stroud Road) and one email from the owner of the tree (Ms N Buck, 1 Willowtree Court) supporting the TPO have been received. Members are asked to refer to appendices 6 – 9 for full copies of the correspondences. Comments include:

“I am in agreement with the council in regard to the benefits the tree brings to the area”

“This tree is clearly visible from our property and is quite a feature of the locality”

“The pine tree at 287 Stroud Road not only gives aesthetic enjoyment to many local residents but it is also an important visual amenity for anyone using Stroud Road”

“It softens the urban environment, creates character and a sense of place”

6.0 OFFICER OPINION

- 6.1 The City Council’s Tree Officer used a nationally recognised system (TEMPO) to assess whether the tree was suitable for a TPO. Assessment and subsequent inspection indicates the tree is worthy of a TPO and is in a healthy condition. Although set back from the main Stroud road, the tree is clearly visible from the road. Letters of support from local residents, including the owner of the tree indicate there is local support for the TPO and retention of the tree for amenity value it brings to the locality.
- 6.2 The making of a TPO does not prevent pruning works or the removal of the tree. The making of a TPO prevents anyone, subject to certain exemptions, from undertaking works to the tree without first applying for and obtaining consent from the City Council. If the tree or large parts of it became diseased or dangerous appropriate measures including removal would be considered, and if appropriate granted consent for.
- 6.3 Regarding the issue of the suitability of the tree in its current position and context, and the overbearance and shading of the tree, your officer considers the tree is suitable in its current context, and the shading cast by the tree is not to a significant level. This part of Stroud Road is characterised by larger turn of the century houses with gardens and mature trees such as the pine tree protected by this TPO. It is therefore in context with its surroundings. The base of the tree is at least 12 metres away from the house at 287 Stroud Road and although coniferous it has a high and fairly open canopy which will cast shade but not to a degree whereby this would be considered unreasonable by guidance used to determine acceptable levels of shading for new properties (BRE 209). The canopy of the tree does not overhang, or come within at least 10 metres of the house at 287 Stroud Road. In optimum

growing conditions in the UK this species of pine can live for 200 years and grow to 30m. It is unlikely this tree will reach such a height given the local soils and the wetter, westerly climate of Gloucester. Your officer would estimate the tree is between a half and two thirds through its natural lifespan and does not expect the tree to grow much taller.

- 6.4 It is likely that during the construction of the properties at Willowtree Court and the access road some root severance would have taken place. How detrimental to the health and stability of the tree this would have been is difficult to ascertain. However, since construction ceased in early 2008, the health of the tree has not appeared to be diminished. The health and vigour of the canopy is good, the tree has not leaned away from vertical, no roots were exposed at the time of recent inspection, there were no signs of root plate movement, no basal damage, cavities, deadwood or fungal fruiting bodies. In addition the tree appears to have been largely unaffected by the recent winter storms which recorded wind strengths not seen locally for many years.
- 6.5 Your tree officer is unaware that there is any substantive evidence linking the making of a TPO with reduced property values.
- 6.6 No evidence has been submitted regarding the issue of blocked drainage.
- 6.7 Pine needles and leaves from other trees in the vicinity will fall into guttering and may periodically need removing. Whilst this is inconvenience, your officer does not feel this justifies the removal of this tree.
- 6.8 Your officer does not believe the alleged aggressive behaviour of nesting crows justifies the removal of this tree.

7.0 RECOMMENDATION

In light of the above it is recommended that the Council of the City of Gloucester (287 Stroud Road) Tree Preservation Order 2014 is confirmed subject to the following modification:

- 2. The title of the order is amended to The Council of the City of Gloucester (Land adjacent to 287 Stroud Road) Tree Preservation Order 2014.

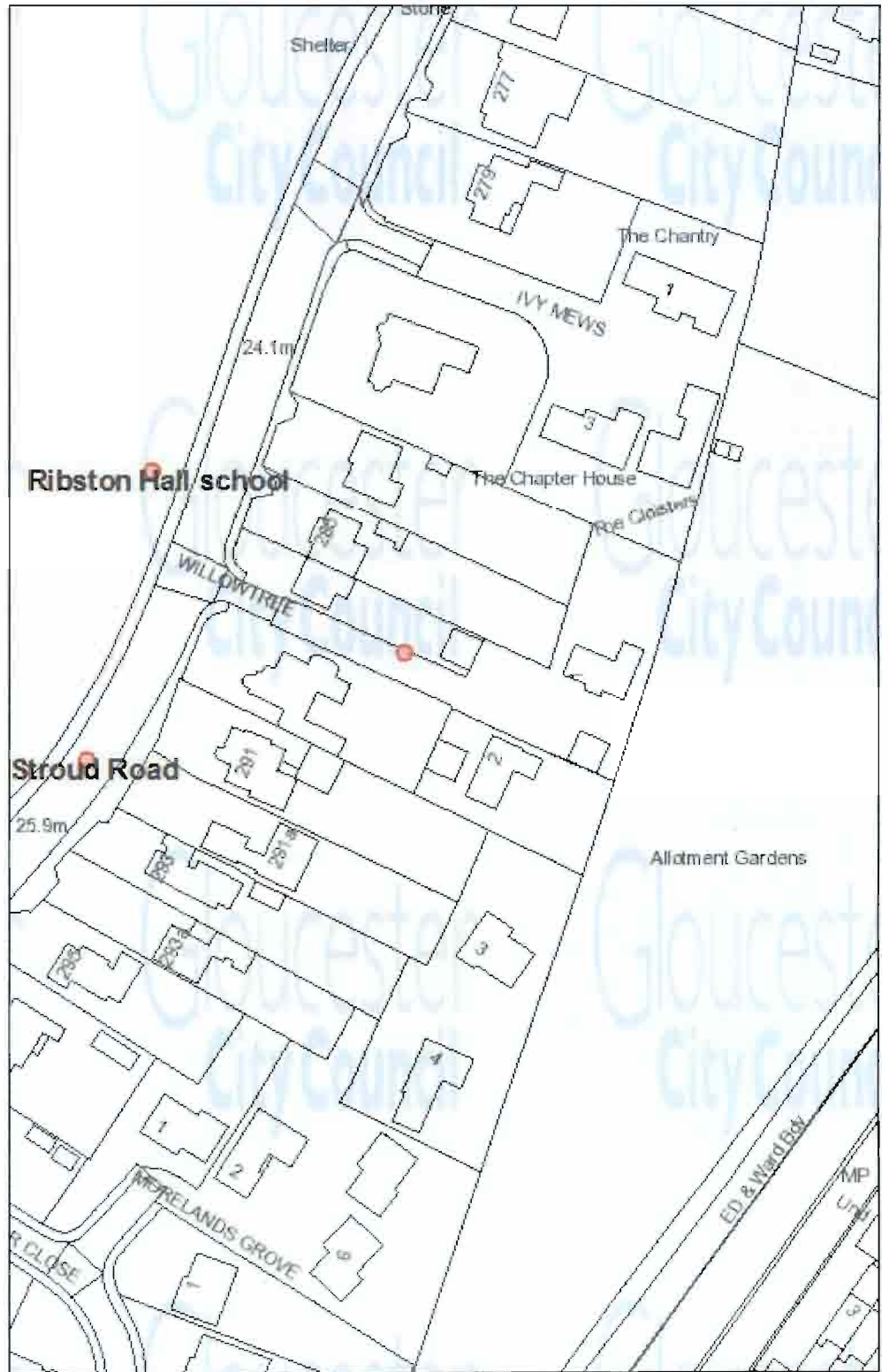
Decision:

Notes:

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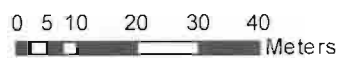
Person to contact: Justin Hobbs
(Tel: 396897)



Date: 04/06/2014

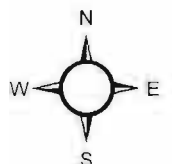
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Author:



Map Notes

Location Plan



TPO287 Appendix 2

Town and Country Planning Act 1990

**THE COUNCIL OF THE CITY OF GLOUCESTER
(287 STROUD ROAD)
TREE PRESERVATION ORDER 2014**

The Council of the City of Gloucester in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

1. This Order may be cited as the Council of the City of Gloucester (287 Stroud Road) Tree Preservation Order 2014.

Interpretation

2. (1) In this Order "the authority" means the Council of the City of Gloucester.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -
 - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17 or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 8th day of May 2014

THE COMMON SEAL of THE)
COUNCIL OF THE CITY OF)
GLOUCESTER affixed hereto is)
authenticated by the undersigned a)
person authorised by the said)
Council to act for that purpose)



PO
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SEAL NO.
110013



Head of Legal and Policy Development

CONFIRMATION OF ORDER

This Order was confirmed by The Council of the City of Gloucester without modification on the
day of 20

This Order was confirmed by The Council of the City of Gloucester subject to the modifications indicated by
red ink on the day of 20

THE COMMON SEAL of THE)
COUNCIL OF THE CITY OF)
GLOUCESTER affixed hereto is)
authenticated by the undersigned a)
person authorised by the said)
Council to act for that purpose)

Head of Legal and Policy Development

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by The Council of the City of Gloucester on the
day of 20

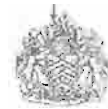
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Head of Legal and Policy Development

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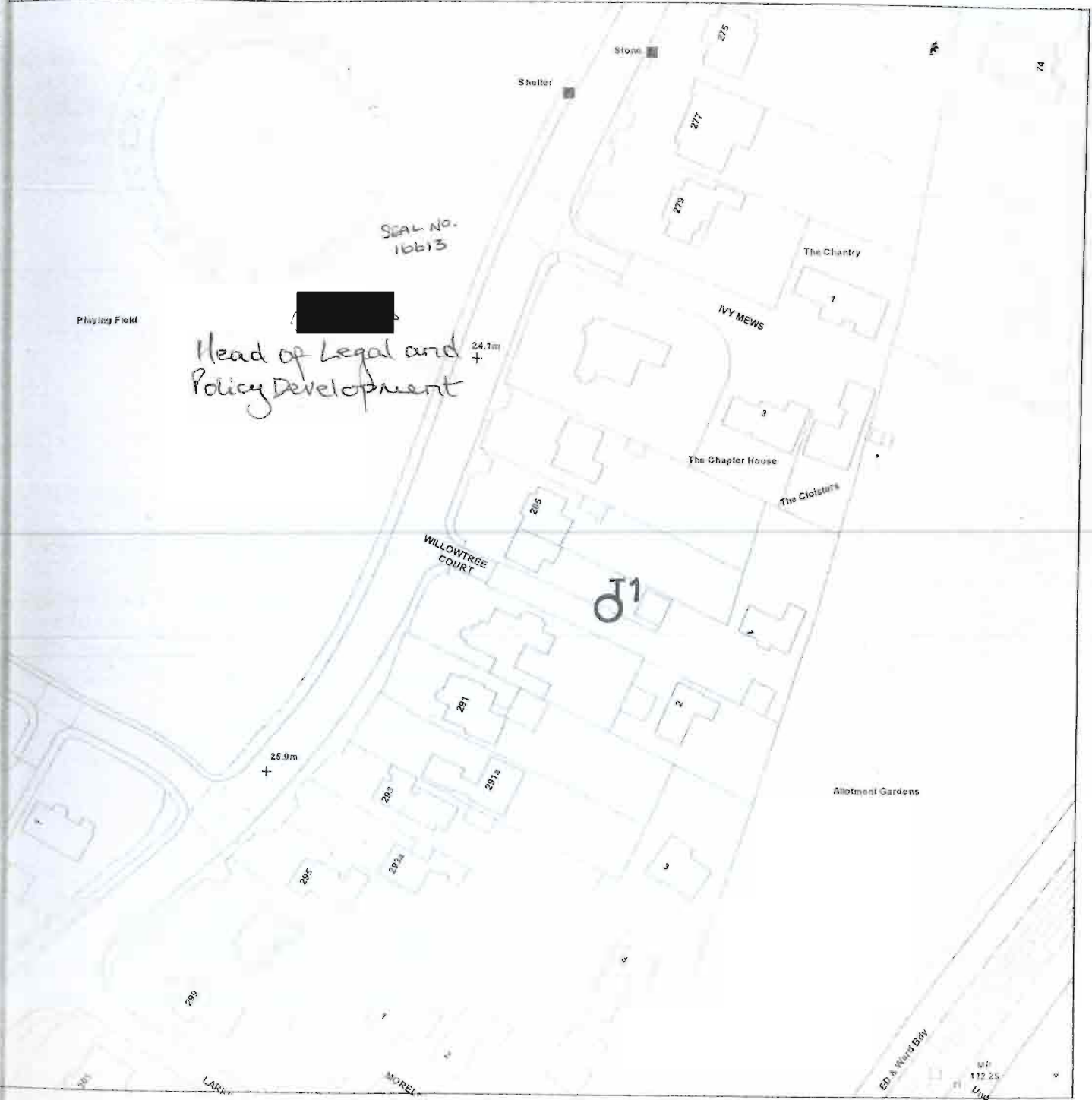
87 Stroud Road, Gloucester



GLOUCESTER
CITY COUNCIL

NO.
2013

by



Scale : 1:1250

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Organisation	Gloucester City Council
Department	
Comments	
Date	08 May 2014
SLA Number	100019169

VARIATION OF ORDER

This Order was varied by The Council of the City of Gloucester on the day of 20

by a variation order under reference number a copy of which is attached

THE COMMON SEAL of THE)
COUNCIL OF THE CITY OF)
GLOUCESTER affixed hereto is)
authenticated by the undersigned a)
person authorised by the said)
Council to act for that purpose)

Head of Legal and Policy Development

REVOCATION ORDER

This Order was revoked by The Council of the City of Gloucester on the day of 20

THE COMMON SEAL of THE)
COUNCIL OF THE CITY OF)
GLOUCESTER affixed hereto is)
authenticated by the undersigned a)
person authorised by the said)
Council to act for that purpose)

Head of Legal and Policy Development

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Pine (<i>pinus</i> spp)	On the southern boundary of 287 Stroud Road, Gloucester and adjacent to the access road to Willowtree Court

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees
(within a broken black line on the map)

Reference on map	Description (including number of trees of each species in the group)	Situation
	None	

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	None	

Dated 8th May 2014

THE COUNCIL OF THE CITY OF
GLOUCESTER
(287 STROUD ROAD)
TREE PRESERVATION ORDER 2014

TOWN AND COUNTRY PLANNING ACT
1990

TREE
PRESERVATION
ORDER

relating to a tree situated at 287 Stroud Road, Gloucester

TPO 287 Appendix 3

Gloucester City Council,
Herbert Warehouse,
The Docks,
Gloucester,
GL1 2EQ.

Ref No: JT/275

Mr J KILMISTER not KILMINSTER,

Miss H Virgo,

Dear Sir/ Madam,

I am writing to you in response to your letter dated 8th May 2014, regarding the Tree Preservation Order (TPO) issued on a pine tree.

I fully object to the TPO being placed on the tree in question.

I would like to confirm I do not have sole responsibility for the tree in question, I have 30% responsibility for the road maintenance in which it lies. I would like confirmation of who is deemed as the 'owner' of the land and who holds the responsibility, or at least the majority. This should have been checked before the TPO was placed under my property.

I bought my property in August 2013, I specifically asked my solicitor to check the tree did not have a TPO, which he confirmed it did not.

I solely bought this property knowing; with the agreement of my neighbours first of course; that I could remove it. This has now made myself and my partner feel that we need to sell and move, as this tree causes us to have lack of sleep when high wind storms occur, at the worry that if it fell, due to its large size, it would completely flatten our property with us inside.

It has damaged and broken the guttering on my garage due to the large amount of needle drop, pine cones and branches falling into it. It fills my garden with these which adds acidity to the garden, killing pretty much everything.

It also killed off a smaller fruit tree in my garden and killed all the plants and grass within the majority of my garden. I have since had to remove all dead plants and bushes and replace with gravel and I have planted special low light grass seed to try and get some growth. This is mainly due to the fact the tree absorbs all nutrients and moisture from my garden and also acts as a canopy to stop any sunlight reaching a lot of areas of my garden. This also affects us as we do not get much, if any, sun during sunrise as the tree

blocks it out and during the day also, we only get a small amount of evening sun when it's cooler in the evenings.

I have been told by an arborist that the tree has outgrown its area. An added concern to this for me is that the tree has not stopped growing and could potentially double in size if not more and future issues are inevitable.

If in the future, a root decides to break up the road, curb side, my garage or potentially my house and I have expressed these concerns to you in writing, will you take any liability?

Also, there are drains that run within a metre of the tree, which currently are blocked, and even during the recent thunder storm nearly flooded my garage! It is not from debris as they look perfectly clear, which makes me worry of any root damage that could be occurring underneath. This is also a concern for the future, my garage is within a couple of metres of the tree, my property is also not too far away and if the roots start to make their way into my foundations, (if they have not started to already) who takes responsibility then? As I have already expressed these concerns to the tree officer and yourselves at the council.

I came to the tree officer for advice and to just double check the tree did not have a TPO, I fully understand it is his job to protect healthy trees, I fully back this, I would never expect to be able to cut down a healthy tree in the right conditions and surroundings. I do however feel these circumstances are different and taking into consideration the effect the tree has on my quality of life and the worry and damage it has already caused, I am very disappointed and can't understand why all this is needed? My attached neighbours have the same opinions as I do and feel that everyone would benefit without it there. My rear neighbours, who also have part responsibility of the land the tree is on, also feel the nuisances that it is causing for my property and the potential for future catastrophic damage outweighs the need for the tree to be there.

Furthermore, why was I not involved or informed at all before hand? How can a proper survey and a TPO be put onto a property without conversation or consent and from a kerbside view? It feels like you are abusing your power to put on TPOs by not for using it as it was originally planned which was to save trees from being unnecessarily cut down.

I understand for the passer by it may look attractive but I am the one having to live with the constant issues every day, and as stated, if the tree had a TPO when I was interested in the property I would not have bought it.

The knock on effect it will now have is my property is worth less than before, and I refuse to accept this.

I will now, if the TPO is in place, have to inform my house insurance company, who may refuse to insure me, at a minimum I will now be a liability, who will cover the costs of my increased premium?

Purely pruning the tree does not relieve; it may lessen the likelihood slightly, the fact that if it fell, it would completely flatten our property or properties (and me!) and all the other issues mentioned, and still does not help my house insurance nor does it stop any future root damage. You may say it is healthy and doesn't look like falling but can you guarantee this? Surely the prospect or potential for the loss of life should outweigh anything? Can you guarantee it will not damage my property or the shared driveway?

I have spoken to the attached neighbours, who have told me when the road was being built that some roots were removed to make way for the road, this again adds to my concerns, and these are the roots which are stopping the tree from falling towards my property.

I carried on and purchased the property, knowing that now I can afford to do it, I was going to have the tree removed.

A number of tree experts have also informed me, that even if the roots still exist, because of the gravel and tarmac being put over the top of the roots they will have great difficulty getting any oxygen from the soil if any as there is none! Only due to the tarmac being slightly porous still is it possible to allow the tree to get any water, so potentially there could be no roots holding the tree up on the road side or unstable ones.

I am frustrated and disappointed your website states to call for advice or to double check if a TPO is in place, and when confirmed it was not and I could remove it, it gets a TPO the very next day. It seems it is there purely for your benefit and at least a conversation would have been nice!

I have been made aware crows are nesting in the tree currently, I am more than happy to wait for the chicks to hatch and move on before removing the tree.

For all the nuisances mentioned at present and for the future, not just from me but with the added concerns of my neighbours too, this could have been dealt with considerably better and a fair conclusion could have been made without the need for all this.

I can't see how a proper survey and understanding of the situation could have been made from the kerbside with no interaction or communication with myself or neighbours.

I made sure the tree would have been professionally removed and broken down to be used as compost or chippings etc, so it wouldn't just be a waste, it would have been reused in a positive way.

My idea, if I would have been given the chance would have been to come to an arrangement to re use the timber from the tree in some form of recreational project? Perhaps benches for the local Robinswood hill? Or these timber exercise areas popping up in local parks? These are all positive ways to remove the tree and have it reused while still removing the negative impact and nuisances it is having on me and my neighbours. We could use your own tree surgeons or a preferred contractor, I would pay for the removal (30% me, 70% between the two rear neighbours) and then the timber is yours to reuse wherever you would like.

Another option, but I would prefer the first, is to remove the current tree and replace with a smaller tree with less size, dominance and potential for damage in the future?

For something which is causing someone so much loss of sleep now because of this and worry about the present and the future I would like to think you can agree with me and the tree can be removed to save any future loss of property or worse.

Overall this tree is a nuisance to the owners and neighbours; it has no benefit to anyone. The potential for future damage in my opinion is just not worth the risk. And as I previously mentioned I now feel the need to sell my property as I just don't feel safe, especially with the current weather changes we are experiencing (we stayed at ours parents during the recent storms!!!).

I work in a job for the council where health and safety is paramount, you have to be proactive not reactive towards potential damage and inevitable health risks, this should surely be applied?



You can see from this image the tree is not even visible from the path outside my house. (my hand is blocking the sun)

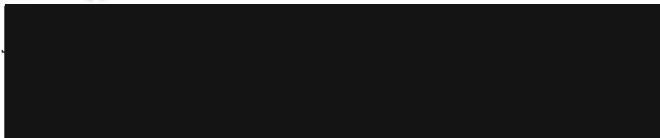
You can see the tree through the gates on the side of my house, briefly for the passer by who is walking perhaps. If driving this would be impossible as the driver should be concentrating on the road.

The only people who can see the tree properly are myself, attached neighbours and neighbours to the rear, all of which find it either a nuisance, a potential future nuisance or have no issues with it being cut down (not until the crows have finished nesting).

I look forward to hearing from you and hopefully we can all come to an agreement on this and move forward.

Jack KILMISTER

Hayley Virgo



TPO287 Appendix 4



12 May 2014

To whom it may concern,

We are very disappointed that this tree is still standing, since the previous occupants of 287 and 289 Stroud were all of the opinion that this tree was too large for the position that it occupied and that it was better suited to being in a forest location, not on a housing estate.

During discussions with the occupants of 289 over the planning application for the houses at the rear of our property, we were assured the tree would be removed. For whatever reason, it was not.

This tree is causing inconvenience to our selves, in that it cuts out the sun light into our garden. During the autumn month's debris falls onto our property blocking gutters that are difficult to access and clean.

We have grave concerns with regard to the safety of our property and the people with in, since the debris from the tree is increasing in both volume and size. Given the high winds experienced in the last twelve months we are concerned the tree may topple. During discussion with the contractors who put in the access road, I was given to believe that the roots of the tree were cropped when the road foundations were laid, which I assume would have weaken the trees stability.

Last summer there were crows in the tree and we were unable to go into the garden for a period of ten days without, being attacked, as they were protecting their young, a situation that we and in particular our grandchildren found very distressing.

Whilst we understand the importance of having trees in the environment, we believe they should be of a size that is proportional to their surroundings, should be a source of pleasure to the locals and somebody should be tasked with the care and management of the tree. Who is responsible for the care of this tree?

We believe in this case it is appropriate to remove this particular tree on the grounds of safety and the inconvenience caused to local residents.

Yours Faithfully



Paul and Patricia Pepler.

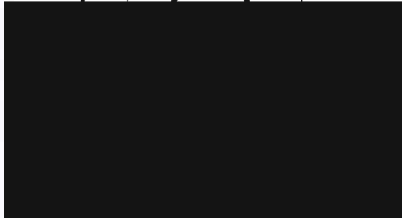
don't see that the citizens of Gloucester gain any benefit from this tree. If it was in a public place such as Gloucester Park or Robinswood Hill I could understand the basis for this statement. But the tree is located at least 40m from the main road in a private drive behind locked gates. We attach a copy of your plan that we have marked up with the viewing angle from the street, which is approximately 10 degrees. Hardly a prime view for the citizens of Gloucester.

3. Your letter states the order prohibits anyone from cutting down, topping or lopping this tree. Therefore it cannot be maintained. When it becomes dangerous what action can be taken and by who?

In our considered opinion this tree is not going to be missed by the general citizens of Gloucester, nor is it enhancing the quality of life of the owners of property in Willow Tree Court. However it is having a negative impact on our lives and that of our neighbors of 287.

We therefore urge you to lift this preservation order and allow us to remove the tree so we may enjoy the wider benefits of our home and garden.

Yours faithfully
Paul Pepler.
Patricia Pepler



PO 287

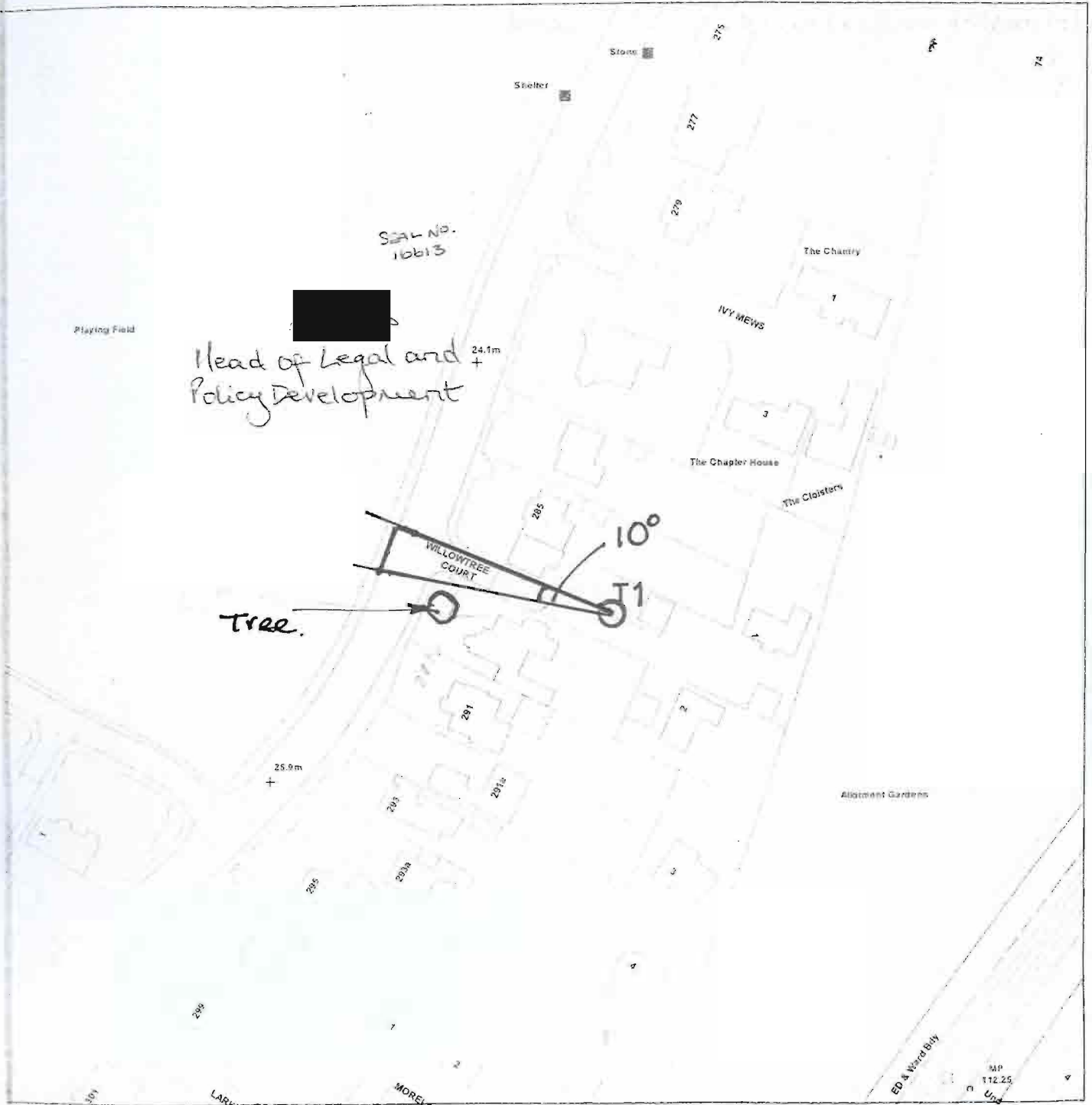
87 Stroud Road, Gloucester



GLOUCESTER
CITY COUNCIL

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Scale : 1:1250

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Organisation	Gloucester City Council
Department	
Comments	
Date	08 May 2014

TPO 287 Appendix 6

Justin Hobbs

From: Nikki Buck [REDACTED]
Sent: 22 May 2014 08:49
To: Justin Hobbs
Subject: Tree Preservation Order Ref JT/8056

Dear Mr Hobbs

I am the owner of the property [REDACTED] and the owner of the Pine Tree which now has the preservation order on it, I am in agreement with the council in regard to the benefits the tree brings to the area.

I have always stated that if the tree is to be removed there must be for the reason that the tree endangers life/property or it's health has been compromised in some way. Mr Hobbs has detailed to the best of his knowledge the tree is healthy and a fine example of a 50 years Pine Tree.

The last communication from the 287 has been

we will request that all branches be cut back in line with our boundary and the tree to be anchored (if no insurance is in place) so if it did fall at any point it will be away from our property.

I have given consent for the lowest branch to be pruned and advised them to complete the protocol with the council by completing an application to remove the branch.

If you want to discuss this any further please do not hesitate in contacting myself on [REDACTED].

Kind regards

Nichola Buck

TPO 287 Appendix 7

Mr Justin Hobbs
Development Control
Gloucester City Council
Kimberley Warehouse
The Docks
GLOUCESTER
GL1 2EQ

28th May 2014

Dear Mr Hobbs

Tree Preservation Order – 287 Stroud Road dated 8th May 2014

We understand that a temporary Order has been placed on what is believed to be an Austrian Pine adjacent to the access road to Willowtree Court.

This tree is clearly visible from our property and is quite a feature of the locality. The vendors of the land on which Willowtree Court was built, Dr Roger and Mrs Lorna Eltringham, took great care to ensure that as many trees as possible were preserved when the development was planned. They also kept a close eye on the building of the road foundations to ensure that the roots of the tree were not damaged.

Development between 279 and 299 Stroud Road has been substantial in the last fifteen years and many green areas have been replaced by red brick buildings detracting considerably from the area. Many trees were removed to enable these developments to take place diminishing the local environment.

We often look at this tree and appreciate its appearance and the impact it has in breaking up the skyline of red tiles and chimneys and see many birds perching and singing from it.

The tree does not appear to be in poor health and we are not aware of any falling branches to cause concern. We feel that it would be a great shame if this tree were to be cut down or pruned in any way provided it remains in a safe condition.

We therefore support the creation of the TPO.

Yours sincerely


Peter Rumsey

Josephine Rumsey

TPO 287 Appendix 8

Rec'd 06/06/14

From: Mr Peter A Barrett OBE FRAeS



Your Ref: JT/8056

3 June 2014

Ms Jane Tye
Legal & Democratic Services
Gloucester City Council
5th Floor, Kimberley Warehouse
The Docks
GLOUCESTER
GL1 2EQ

Dear Ms Tye,

Re: THE COUNCIL OF THE CITY OF GLOUCESTER (287 STROUD ROAD) TREE PRESERVATION ORDER 2014

Thank you for your letter of 12 May 2014 and the enclosures relating to the Tree Preservation Order placed upon the pine tree on land at 287 Stroud Road to safeguard the said tree in accordance with the powers conferred on the City Council under Section 198 of the Town and Country Planning Act 1990.

I live in the adjacent property, 289 Stroud Road, and the tree concerned is a very important amenity in an area where there are very few mature trees because so much land is taken up by the large treeless area of Ribston Hall High School playing field on the opposite side of Stroud Road. The pine tree at 287 Stroud Road not only gives aesthetic enjoyment to many local residents but it is also an important visual amenity for anyone using Stroud Road. It provides beneficial impact by softening the urban environment and creating beauty in an otherwise austere landscape. By its presence on our northern boundary, the tree is very much part of the character and sense of place provided by our garden. As you know, trees are important because they absorb carbon dioxide and produce oxygen, and they filter, absorb and reduce pollutant gasses, all of which are extremely useful assets in the environs of Stroud Road. The tree is also home to local wildlife and adds great value to the local ecology.

I would object in the strongest possible terms to anyone cutting down, topping or lopping the tree and request that the Tree Preservation Order be made permanent until such time that the tree reaches the end of its natural life and becomes dangerous.

Please contact me again if you need any further information.

Yours sincerely,



P A BARRETT

TPO 287 Appendix 9



24 May 2014

Ref: JT/8056TPO

Dear Jane Tye

I would like to state that both my husband and I are delighted to hear that the City Council is endeavouring to create a permanent TPO on the pine near our boundary.

On talking to Mr Hobbs I understand it is probably a Corsican or Austrian pine, my tree books are not detailed enough to have identified it properly but we just want to say that we admire it and would hate to be without it.

It certainly has a beneficial impact on our lives, it adds form and beauty to the outlook which otherwise is dominated, outside our garden, by orange painted fencing and brick buildings.

It softens the urban environment, creates character and a sense of place. To quote Prof David Bellamy OBE: 'it is a high rise guardian of the urban environment'.

As you know trees are important because they absorb carbon dioxide and produce oxygen; filter, absorb and reduce pollutant gasses-useful assets in the environs of Stroud Road.

It is also important as a focal point for people living around us, a bit like seeing May Hill from a distance, you can see this tree from the train, and it has great aesthetic value. It is visited by various wildlife, including a pair of woodpeckers.

For all these reasons, and more, we support the creation of the TPO.
We hope it may become permanent for as long as the tree is safe and well.

Yours sincerely

Lesley B Barrett

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 8/15/14 Surveyor: JH

Tree details
 TPO Ref (if applicable): _____ Tree/Group No: _____ Species: Pine
 Owner (if known): _____ Location: _____

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes
4

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
4

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes
4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
4

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
17

Decision:
TPO

TPO 287 Appendix 11

GENERAL NOTE:

1. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ANY PREPARATION OR BUILDING WORK COMMENCING.
2. DO NOT SCALE THIS DRAWING. USE FIGURED DIMENSIONS ONLY.
3. THIS DRAWING TO BE READ IN CONJUNCTION WITH ANY STRIPED PLAN, SPECIFICATIONS, DIMENSION LINES & CALCULATIONS AND SPECIFICATION NOTES.

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Client

Messrs J & B Folley

Job Title

289 Stroud Road
Gloucester

Drawing Title

Landscape & Boundary
Treatment

Scale	Date	Drawn
1:200	Aug 07	

07	46	11
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