

# **FOR PUBLICATION**

## **CHESTERFIELD BOROUGH COUNCIL** **(CHAMBER OF COMMERCE, CANAL WHARF)** **TREE PRESERVATION ORDER NO. 346, 2017**

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MEETING:	Planning Sub-Committee
DATE:	16 January, 2018
REPORT BY:	Development Management & Conservation Manager
WARD:	St Helens

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### **1.0 PURPOSE OF REPORT**

- 1.1 To inform Committee of objections which have been received to the above Order.

### **2.0 BACKGROUND**

- 2.1 On 29th August 2017 it was recommended to Planning Committee that trees on the site of the former Chamber of Commerce, Canal Wharf be included in a Tree Preservation Order.
- 2.2 The recommendation was agreed by Planning Committee and the Order took effect, on a provisional basis, on the 7<sup>th</sup> September 2017. The Order continues in force on this basis for 6 months or until the Order is confirmed by the Council, whichever first occurs.
- 2.3 The Council made the Tree Preservation Order in respect of seven trees, six trees in the grounds of the former Chamber of Commerce and one tree on a small strip of land between the southern boundary corner of the former Chamber of Commerce site and Canal Mews, Stonegravels after an outline planning application was received and approved (reference CHE/17/00237/OUT) for up to 30 residential properties on the land.

2.4 The trees were inspected and two assessments were carried out to ascertain their amenity value. The trees within the Order scored high points in the Helliwell System which was used by the Council to assess whether or not a tree, group of trees or woodland has any amenity value. The trees were assessed again on the 25<sup>th</sup> October 2017 using Tree Evaluation Method for Preservation Orders (TEMPO) which is a more reliable means of assessing trees for TPO suitability and provides a record that a systematic assessment has been undertaken. Both assessments support a tree preservation order for the 7 trees in the Order.

2.5 The Tree Preservation Order includes 3 Sycamore, 2 Cherry, 1 Ash and 1 Copper Beech tree. The trees are very prominent from the public roads surrounding the land and contribute significantly to the amenity of the area. The Order plan is attached at Appendix A and photographs of the trees are attached at Appendix B.

### 3.0 **OBJECTIONS**

3.1 DLP Planning Ltd submitted an objection dated 9<sup>th</sup> October 2017 to the Tree Preservation Order. A Copy of the objection letter and accompanying Anderson Tree Report received are appended to the report (Appendix C).

3.2 The objection to the Order is on the following grounds:

- The tree species included within the TPO are not of a sufficient quality to warrant protection. This view is supported by the information contained within the Anderson Tree Survey.
- There is no evidence that an amenity assessment has been undertaken by the Council to support the justification provided for the TPO, that it has been made in the interest of public amenity. Public visibility alone is not sufficient to warrant an Order. The Authority is required to also assess the particular importance of individual trees with reference to their specific characteristic. As set out above, Anderson Tree Care has formally assessed the characteristics of the subject trees and do not consider their character to be sufficient to warrant the Order.
- The TPO has been triggered by a recent planning application for the redevelopment of the site. The proposals presently indicate the

retention of the TPO trees within the site layout. Upon future consideration of a detailed planning application either party (applicant or Council) could consider it more appropriate to remove some trees in order to replant species that are more appropriate within the site. This may be in order to prevent future damage to properties and/or to introduce higher quality species, which will enhance the amenity of the site frontage. Such matters can be considered by planning officers during determination of a detailed planning application for the site.

#### 4.0 **RESPONSE TO OBJECTION**

- 4.1 A full response to the objection letter was sent to DLP Planning on the 1<sup>st</sup> November 2017 and a summary of the comments are as follows: (The full response can be found in Appendix D).

The trees have been inspected from ground level and found to be in good health and condition. The tree quality assessment used in the Anderson tree survey categorised the 7 protected trees as category C1. The tree quality Assessment states that trees in category A, B & C should be considered for retention.

T1 & T2 Cherry (Anderson survey T12 & T13) are located in an undisturbed area of grass on the corner of Hazelhurst Avenue and Canal Wharf. I would agree with the comments in the Anderson tree survey that the trees are fairly typical of the species. No other comments in the survey were given to these two trees other than a drain cover close to the base of T1 and the pronounced graft union on T2

There is no evidence to suggest that the tree T3 Sycamore (Anderson survey T15) is causing or will in the future cause any structural damage to the wall with the main stem being between 1m and 2m from the low boundary stone wall. The tree is visually important as a landscape feature along the frontage of the site which merits its retention in any future development scheme.

T4 Ash (Anderson survey T1) is a relatively young tree with good potential to the frontage of the site. The tree is in good condition and will without doubt make a valuable contribution to the street scene with a good life expectancy if provided with a more suitable growing environment as part of any development.

T5 Beech (Anderson survey T3) is located outside the development site on what appears to be (from a land registry search) Chesterfield Borough Council owned land. The tree has been neglected and vandalised in the past however its overall condition is good. There is nothing in the Anderson tree report to suggest that this tree should be removed and as the tree is in the southern most corner adjacent to the site I can see no reason why this tree cannot be incorporated into the adjacent development to make a valuable contribution and add maturity to the street scene.

An objection has been received for T2 and T5 Sycamore in the Anderson Tree Report however these two trees are not part of the preservation order. T2 is not protected due to its condition and location under the protected Beech tree T5 and the way it is growing towards the highway as shown in photograph 3 in the Anderson report. T5 of the Anderson tree report is also not protected. The tree referred to in the objection letter is therefore not located directly next to the boundary causing potential nuisance to the adjacent properties.

- 4.2 In respect of the second objection point that there has been no Amenity Assessment of the trees. As previously mentioned, two assessments have been carried out to assess the amenity value of the trees using the Heliwell System and the 'Tree Evaluation Method for Tree Preservation Orders' (TEMPO) for comparison. The two assessments are attached as Appendix D.

The trees have significant amenity value and make a valuable contribution to the character of the surrounding area and would add visual amenity to any development proposed. The trees are clearly visible from the surrounding public footpaths and highway and as such they are considered as an amenity by the general public. The trees are located in an area of Chesterfield that does not have the benefit of a green environment compared to other areas of the town and the removal of these trees would have a significant impact on the amenity of the surrounding area. There are other trees on the site which are not of sufficient quality to justify retentions and these have not been included in the Order. The trees have been assessed for their condition and life expectancy in relation to their location and setting, visual amenity in relation to their setting and any future land change use and their size, form and impact on the local environment using the Helliwell Visual

Amenity Evaluation System as a guide and comments to support the observations.

Further to the Helliwell amenity evaluation carried out for the provisional Order, a further assessment was made of the trees using the 'Tree Evaluation Method for Tree Preservation Orders' (TEMPO) for comparison.

It is stated in the objection that Anderson Tree Care has formally assessed the characteristics of the subject trees and do not consider their character to be sufficient to warrant the Order. A tree survey is quite different from assessing the amenity of a tree and as far as I am aware no amenity assessment has been carried out by Anderson tree care.

- 4.3 Finally, the third objection which was raised was regarding the recent planning application for the redevelopment of the site with proposals presently indicating the retention of the TPO trees within the site layout and a detailed planning application could consider it more appropriate to remove some trees in order to replant species that are more appropriate within the site. This may be in order to prevent future damage to properties and/or to introduce higher quality species, which will enhance the amenity of the site frontage. Such matters can be considered by planning officers during determination of a detailed or reserved matters planning application for the site.
- 4.4 The current application does indicate the retention of the trees in the current layout; however retained trees shown on an indicative plan does not guarantee their retention and further consideration during any detailed design submitted at a later stage in the planning process. Tree Preservation Orders are designed to protect trees of amenity value and it is the Council's duty to protect trees where it is considered expedient to do so. The provisional tree preservation order gives the Council control of any future proposals for pruning or felling of the trees. Any future proposals to prune or fell the trees will be considered at that time whether it's by a formal application or through the planning application process and any proposals will be decided on their individual merit.
- 4.5 The protected trees can quite easily be incorporated into the design for any new development and would add maturity and create an instant impact for the site. The trees will add character to

the development and local amenity especially when the trees and shrubs which are in a poor condition and competing are removed. The trees should therefore be considered as an asset rather than a hindrance or perceived problem.

- 4.6 Any new development should therefore consider the surrounding trees and likewise foundations for the properties should be constructed with the trees in mind. I therefore see no reason why there should be any future damage to properties if the correct specification and standards for construction close to trees is carried out.

5.0 **RECOMMENDATION**

- 5.1 That the objection be overruled and the Order be confirmed as made.

**Appendices**

- A Tree Preservation Order Site Plan
- B Photographs of Trees
- C Copy of the objection letter and Anderson Tree Report
- D Objection letter response
- E Amenity Assessments

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