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CP/D5052

1st November 2017

Dear Ms Clare Plant

Re: Objection to provisional Tree Preservation Order No.346 Former Chamber of Commerce Site, Canal Wharf, Stonegravels, Chesterfield.

With regard to your letter dated the 9th October 2017 and objection to the above mentioned tree preservation order. The objection to the Order is on the following grounds:

1. 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.
2. 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 have formally assessed the characteristics of the subject trees and do not consider their character to be sufficient to warrant the Order.

3. 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.

In response to the first objection, that the trees subject to the preservation order reference T1 & T2 Cherry, T3 Sycamore, T4 Ash, T5 Beech and T6 & T7 Sycamore are not considered of a sufficient quality to warrant protection which is supported by the submitted Anderson Tree Report.

T1 & T2 Cherry (Anderson survey T12 & T13) have been inspected from ground level and found to be in good health and condition 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 to support a category C1 classification. I therefore disagree with the C1 category given to the two trees on the following points:

- the trees are good examples of their species
- their location on the road junction is in a very suitable setting making them stand out from other trees in the area
- the trees are in good health
- they have a suitable growing environment so there is no reason why these trees should not grow to maturity which gives them a life expectancy of a least 20 years.

Using the tree quality assessment used in the Anderson tree survey, the two trees would therefore in my opinion be classed in a higher category and as noted on the tree quality Assessment category A, B & C should be considered for retention.

T3 Sycamore (Anderson survey T15) is also in my opinion in a higher category class as the tree is located in a highly visual location to the frontage of the site and once the adjacent Poplar tree is removed will be even more prominent. No other comments have been made in the Anderson tree survey other than it is 'OK but quite

close to the wall'. The tree has been inspected and is in good health and condition with a slight lean into the site. There is no evidence to suggest that the tree is causing or will in the future cause any structural damage to the wall with the main stem 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 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. I see no reason why there should be any significant root damage to this tree if care is taken when removing the existing tarmac and kerb edgings and a soft landscaping applied once the hard surfacing is removed. Again due to the trees potential and life expectancy I would place this tree in a higher category.

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. It is suggested in the Anderson tree survey that the adjacent self-set Sycamore (Anderson survey T2) is removed due to competition in the future. I totally agree with this comment which will remove a future problem tree which will eventually grow larger and lean towards the adjacent highway. The Anderson report also states that the tree has a reasonably interesting shape and refers to T2 being removed to allow T3 Beech to grow unhindered. Again, 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. The tree is therefore in my opinion under rated in the Anderson report and justifies a higher category.

There does seem to be some confusion over which tree is protected by the order in the objection letter because T6 Sycamore (Anderson survey T4) is the provisionally protected tree on the site and **not T2** in the Anderson report as referred to in the objection letter. 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. T6 Sycamore is a larger sized tree which interlocks with T5 Beech and as such is considered to be important in the landscape due to its location on the boundary and frontage of the site. The tree has good life

expectancy and combined with the crown spread of T5 Beech jointly contribute to the wider locality.

Again there seems to be some confusion over which tree is protected by the order in the objection letter because T7 Sycamore (Anderson survey T6) is the provisionally protected tree on the site and **not T5** in the Anderson report as referred to in the objection letter. The tree is therefore not located directly next to the boundary causing potential nuisance to those properties but is a relatively young tree located on the edge of overgrown Laurel bushes. The tree is slightly crowded out on the lower canopy by the Laurels but otherwise a healthy tree with good potential located away from the boundary so as not to cause any burden on the neighbouring properties. As previously mentioned the tree is quite young so has good potential to the frontage of the site and good life expectancy. It is agreed that it is not the most visible tree on the site but over years will make a greater impact on the street scene if given enough space at the design stage of the development.

In respect of the second objection point that there has been no Amenity Assessment of the trees then I enclose the Visual Amenity Evaluation of the trees carried out on the 15th August 2017 and which was included as appendices 8-13 in the report submitted to Chesterfield Borough Council Planning Committee on the 29th August 2017. The report was not for publication as it was exempt by virtue of Paragraph 6 of Part 1 of Schedule 12a Local Government Act 1972. No request has been made for this information but I am quite happy to supply you with a copy now the tree preservation order has been made.

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 attached amenity evaluation carried out for the provisional Order, a further assessment has now been made of the trees using the 'Tree Evaluation Method for Tree Preservation Orders' (TEMPO) for comparison. I have also attached these evaluation results for your information.

You also state that Anderson Tree Care have 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.

Finally, the third objection you have raised is 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 planning application for the site.

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.

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.

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 are carried out.

After careful consideration of my comments above could you please indicate whether or not you wish to withdraw your objection to tree preservation order 346 Chamber of Commerce, Canal Wharf, Stonegravel (2017). If you require any further information of clarification please do not hesitate to contact me.

Yours sincerely

Steve Perry
Tree Officer (Planning)