

EXETER CITY COUNCIL

PLANNING COMMITTEE 3 OCTOBER 2011

OBJECTIONS TO TREE PRESERVATION ORDER NO. 633 (3 HEATHBROOK MEWS, EXETER) 2011

1. PURPOSE OF REPORT

- 1.1 This report gives details of objections that have been received by the Council to Exeter City Council Tree Preservation Order (TPO) No. 633 (Heathbrook Mews, Exeter) 2011. The Committee is requested to determine whether to confirm, modify or refuse to confirm the Order. The recommendation is that the Order is confirmed with a modification.

2. BACKGROUND

- 2.1 This TPO, which was originally made as an area TPO, protects trees in the front garden of 3 Heathbrook Mews, Exeter. The site was previously subject to TPO 222 made in 1992 covering a much larger area. Following a review in 2006 TPO 222 was revoked because it was outdated.
- 2.2 The area TPO 633 was made following a recent pre-planning application proposal for a detached dwelling in the front garden of 3 Heathbrook Mews. The garden is a heavily vegetated area in a prominent location along Beacon Heath and Harrington Lane. The area TPO was made as a matter of urgency to protect all trees on site from undesirable felling or pruning. It was intended to carry out a more detailed assessment of the trees at a later stage to identify the trees' value to the character of the area and to the public visual amenity.
- 2.3 An assessment was carried out by the Council's arboricultural specialist on 12 August 2011. Four individual trees (two Willows and two Oaks) and one group of trees (one Oak, one Ash and two Cherries) were identified to be of high public amenity value.
- 2.4 The area TPO was signed on 24 May 2011 and remains in force for a period of six months. It is proposed that the TPO should be modified so as to apply only to the trees referred to in 2.3 above, which are considered to be of importance, and confirmed as modified. If the TPO is confirmed it becomes permanent, if not the original area TPO ceases to have effect on 24 November 2011.

3. POINTS RAISED BY THE OBJECTORS

- 3.1 A letter of objection was received from the agent on behalf of the freeholder(s) of 3 Heathbrook Mews against the original area TPO 633.
- 3.2 The objections can be summarised as follows:
- If the site was of significance, a new TPO should be made straight after TPO 222 was revoked or at least should have been made when the initial planning enquiry started in April 2011;

- The vast majority of trees on site are not worthy of protection;
- Only fleeting glimpses of the site are available when driving. There is little sign of pedestrians in this area. Therefore the site has limited public visual amenity value;
- There are only several large trees on site which might genuinely warrant a TPO;
- The site looked not nearly as densely populated with trees when trees are not in leaf;
- The owners of the site are concerned that the TPO was made without cooperation with the freeholder.

4. OBSERVATIONS

- 4.1
- TPO 222 was revoked because it was outdated. At the time of revocation there was no evidence that the trees on site were under significant threat, therefore a new TPO was not then considered as a priority;
 - The area TPO is proposed to be modified so as to apply only to individual and a group of trees which are of importance;
 - The site has a significant public amenity value as Beacon Heath and Harrington Lane are frequent local routes for pedestrians, cyclists and motorists. Right next to the site there is a narrow bridge that joins Beacon Heath and Harrington Lane, which only allows one-direction traffic at one time. Pedestrians, cyclists and motorists waiting to cross the bridge would have a clear view of the trees on site;
 - Trees in full leaf look very different to the ones that are not in leaf. It is not a valid reason to withhold a TPO on deciduous trees;
 - It was not considered appropriate to enter into discussions prior to the making of TPO as this may have resulted in removal or pruning works prior to their protection.

5. NORTHERN AREA WORKING PARTY

- 5.1 Members at the Northern Area Working Party on 12 September 2011 supported confirmation of the modified TPO.

6. RECOMMENDATION

- 6.1 It is recommended that TPO 633 be confirmed with the modification referred to in paragraph 2.4 of this report.

RICHARD SHORT
HEAD OF PLANNING AND BUILDING CONTROL

ECONOMY AND DEVELOPMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

1. Exeter City Council Tree Preservation Order No 633 (3 Heathbrook Mews, Exeter) 2011