

TPO Further comments resulting from agenda observations for 1323 Melton Road, Syston – Appeals and Reviews Committee 28th September - Item 6

Thank you for allowing my further comments as a result of altered/ additional information provided by Charnwood Borough Council after my objection period had ended. I will try to keep this as brief as possible to make for easy reading.

- Appendix 4 Revised TPO Plan – Whilst it matches with Appendix 2: Site Photographs 1) the arial photo circled in red it does not give a true representation of the individual trees in this TPO. It covers a much wider area which when measured extends by at least 18 meters beyond the silver birch's (T1) exact location. In fact I would go as far as to say that the original plan was nearer to being correct. I will be submitting my own plan for review as I have carried out detailed measurements from inside the garden of 1323 Melton Road. The revised plan also brings into question the need for expedience as three of the trees fall outside of the area we submitted for our pre-application advice – again to be shown on my plan.
- Photograph 3) shows trees T1, T2, T3 & T5 I agree but it has been detailed on page 35 that during a follow up visit T3 (apple) appeared in poor health – this is in fact T2 (apple) as per the plan and photograph 3). Please see supporting photograph of the poor health of this tree as detailed by the officer below:



Tree in poor health compared to the other apple behind which is still in leaf and appears healthy.

- 4) This photograph I assume is to support the visual amenity from Melton Road and “continuous canopy” provided by the “grouped trees” T1 & T5 but unfortunately it would appear whoever took the photograph has incorrectly identified the tree species? Both of the trees labelled in this photograph are in fact a pair of Ash trees the first shown as T1 is in fact T5 in the TPO and the other is in the rear garden of number 8 Mostyn Avenue. These trees are both the same in the photo when it should be showing the Silver Birch and Ash. Please see my photo below which shows a clear gap between the trees:



This photograph clearly shows a defined space between the silver birch and the ash.

- Top page 37 says: “The TEMPO assessment also identified the trees as forming a coherent group with more or less continuous canopy cover, thus forming a significant block of greenery. A block of greenery can be seen from the aerial picture but much of this is because the garden is laid to lawn with shrubbery and border hedging which will therefore show as greenery from an aerial photograph. The continuous canopy cover I disagree with as my previous photographs have shown. Please see below photos from inside the garden and the public footpath which identifies clear spaces of open areas between the trees in question.



1. Shows space between the birch and ash



2. Shows clear space along southern edge of garden as referenced by the council along the public footpath – this measure 18 metres from the birch to the rear of the outbuilding as shown in Councils plan in appendix 4.



3. Opposite side of the fence (from public footway on Gloucester Crescent) to picture 1. Not sure this forms a coherent group or continuous canopy?
- 4.0 Proposed TPO – The first sentence states “The provisional order seeks to protect five individual trees” it is this statement I would like to focus on and draw attention to as this is what the TPO is seeking to provide not dealing with them as a group. This is very important when coming onto Appendix 1.

- Appendix 1 comments: I have been provided with a copy of FLAC TEMPO Tree Evaluation Method for Preservation Orders Nov 2009 revision. I have replicated the TEMPO Assessment chart as per this assessment tool and have found the following:

CRITERIA	T1: Birch		T2: Apple		T3: Apple		T4: Plum		T5: Ash		
Condition	1	Poor	1	Poor	3	Fair	3	Fair	3	Fair	
Remaining Longevity or Retention Span as per document	2	20-40 years	1	10-20 years	1	10-20 years	1	10-20 years	2	20-40 years	
Relative Public Visibility	4	Large clearly visible	3	Medium, limited view	3	Medium, limited view	2	Small, visible with difficulty	5	Prominent, large tree	
Sub-total 1 as per the document at this point need to have accrued 7 points to continue	7		5	Not continue?	7		6	Not continue?	10		
Other Factors – 2 options are we looking at individual or groups	1	4			1	4			1	4	
Sub-total 2 as per the document trees must have accrued 10 or more to continue	8	11	Possibly not continue depending on subjective view of cohesive group or individual tree?		8	11	Possibly not continue depending on subjective view of cohesive group or individual tree?		11	14	
Expediency - 1 is precautionary as worded on page 36 under 3.0 paragraph 1) or 3 is foreseeable threat as in TEMPO	1	3			1	3			1	3	
TOTAL	12	14	Defensible but will only get to this stage if argued grouping and not based on individual trees as TPO states		12	14	Defensible but will only get to this stage if argued grouping and not based on individual trees as TPO states		15	17	Definitely Merits

Regarding T1 & T3 the TEMPO assessment tool says:

- 12-15 Possibly merits TPO – This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and “gut feeling”.

I’m not aware of any public pressure it was the Council who thought about the order in the first instance as a result of our pre application planning advice. No obvious resource considerations have been highlighted and gut feeling must surely take account of felling pressure in the first instance. In this case our pre-app advice request demonstrates goodwill and engagement rather than a hasty approach to development and sale.

For me the Ash (T5) and (T1) Silver Birch were never in question at the time of writing my objection although I wasn’t aware of the poor health rating given to the Birch in the TEMPO matrix which does alter the perspective slightly.

It is with a subjective view that the silver birch and the apple tree merit or do not merit a TPO depending on how these trees are being dealt with. I once again refer to the original order as 5 individual trees for consideration. If two of the trees do not qualify as per the TEMPO rating used can the remaining three still comprehend a coherent group as per the Council’s view?