

5 TREE PRESERVATION ORDER 536, COLWALL CRICKET GROUND, COLWALL

Report By: Head of Planning Services

Ward Affected

Colwall – Councillor RV Stockton

1. Purpose

- 1.1 To consider the representations made in relation to the making of a provisional Tree Preservation Order upon trees in the grounds of Colwall Cricket Ground, Colwall and determine whether to confirm the Order.

2. Order Description and Details

- 2.1 This Order concerns 6 individual oak trees within the confines of the Colwall Cricket ground. They are as follows:
T1 – T6 Oak (*Quercus robur*)
- 2.2 The Order was made on 17th July 2007
- 2.3 The Council's tree amenity valuation rating scored these individual trees with values between 21 and 24 (the benchmark rating for inclusion within a TPO is 15). Their particular characteristics included – their maturity, form, prominent position and their contribution to the overall composition of the western end of the village.
- 2.4 The site is located to the south-west end of the settlement of Colwall outside the settlement boundary with open countryside to the south and east. The cricket ground occupies flat ground and is defined to the north and east by residential buildings, to the south by an unadopted lane and plantation and open country to the west. The junction of the Malvern to Ledbury railway line and the B4218 lies to the south-east of the site, just beyond the residential properties. The surrounding area is sparsely developed, soon developing into open, agricultural country to the west and south.
- 2.5 The cricket ground consists of two playing pitches. The original ground to the east side is bounded by dwellings and a more recent pitch, created in 2000 from previously arable land to the west. A line of trees, six of which are the subject of this TPO, separates the two pitches. A public right of way follows the line of the trees from north to south.

3. Background

- 3.1 The Council was alerted to the possible threat to the trees by local residents and an inquiry preparatory to the making of a planning application; the proposal affecting some of the trees was to erect a new pavilion. Nine trees exist along the boundary line between the two cricket pitches; seven Oaks and two Ash. Four of the oak trees were indicated for removal in the information submitted to the Council.
- 3.2 The Order was made under emergency procedures in accordance with section 198, 201 & 203 of the 1990 Town and Country Planning Act.

4. Policies

4.1 Herefordshire Unitary Development Plan states:-

“Policy LA5 Protection of trees, woodlands and hedgerows

The enhancement and protection of individual trees, tree groups, woodlands and hedgerows will be secured by:

- 1. placing Tree Preservation Orders where necessary on trees, groups of trees and woodlands of amenity value, and making use of hedgerow protection legislation;**
- 2. resisting proposals that would cause loss or damage to trees, hedgerows or woodlands which are worthy of retention. In particular proposals affecting protected trees will be subject to rigorous examination and only permitted where the development is in the public interest. Where the felling of protected trees is accepted replacement planting will be sought;”**

5. Representations

5.1 A letter of objection has been received from Mr T.N. Lee of Berringtons, Chartered Surveyors and Land Agents who act as agents to the owner of the site. The objection relates all six trees included in the Order. The grounds of objection are as follows:

“Under the terms of the Cricket Club lease, no action such as tree felling may be undertaken by anyone without the full knowledge and consent of the landowner so these trees are in no danger of being felled or destroyed, as it is our client’s view that they contribute to the character of the Cricket Ground.”
“It should therefore be clear that no statutory protection of these trees is necessary”

5.2 The objection goes on to state that:

“...we are aware that the Cricket Club is exploring possibilities for renewing their facilities and part of their proposal involves the construction of a new pavilion, which, if it goes ahead, will need to be sited so that it can service both pitches on the Ground. Such a development is much needed to ensure the future success and long-term survival of the Cricket Club, which is an important feature of Colwall and makes a great contribution to village life.

One site being considered for a new pavilion would involve the removal of some of the trees included in the proposed Order, but as we have already stated, these trees are in no danger until such time as a properly submitted and approved Planning Consent requires their removal to allow for such a development.

Therefore, we can only conclude that this proposed Tree Preservation Order may have been instigated in an attempt to thwart the Cricket Club’s proposals and object to the making of that Order on this basis.”

5.3 A letter supporting the making of the order has been received from Colwall Parish Council.

6. Officer Appraisal

6.1 The trees proposed for protection are located between the two playing pitches at Colwall Cricket ground and follow the line of a former field boundary. The preliminary enquiry concerning the erection of a new pavilion indicated the need to remove four trees; three of which have been assessed as worthy of retention. A further three trees were considered as similar in condition and quality and contributing significantly to the character and quality of the area and therefore worthy of retention.

6.2 The Tree Preservation Order was made in direct response to the planning enquiry, following concerns expressed by local residents and a request from the area development control officer to consider the implications on the trees of any development. The information provided in the planning inquiry suggests that trees would have to be removed to facilitate development or would be put under pressure to be removed because of their proximity to the proposed development at a later date.

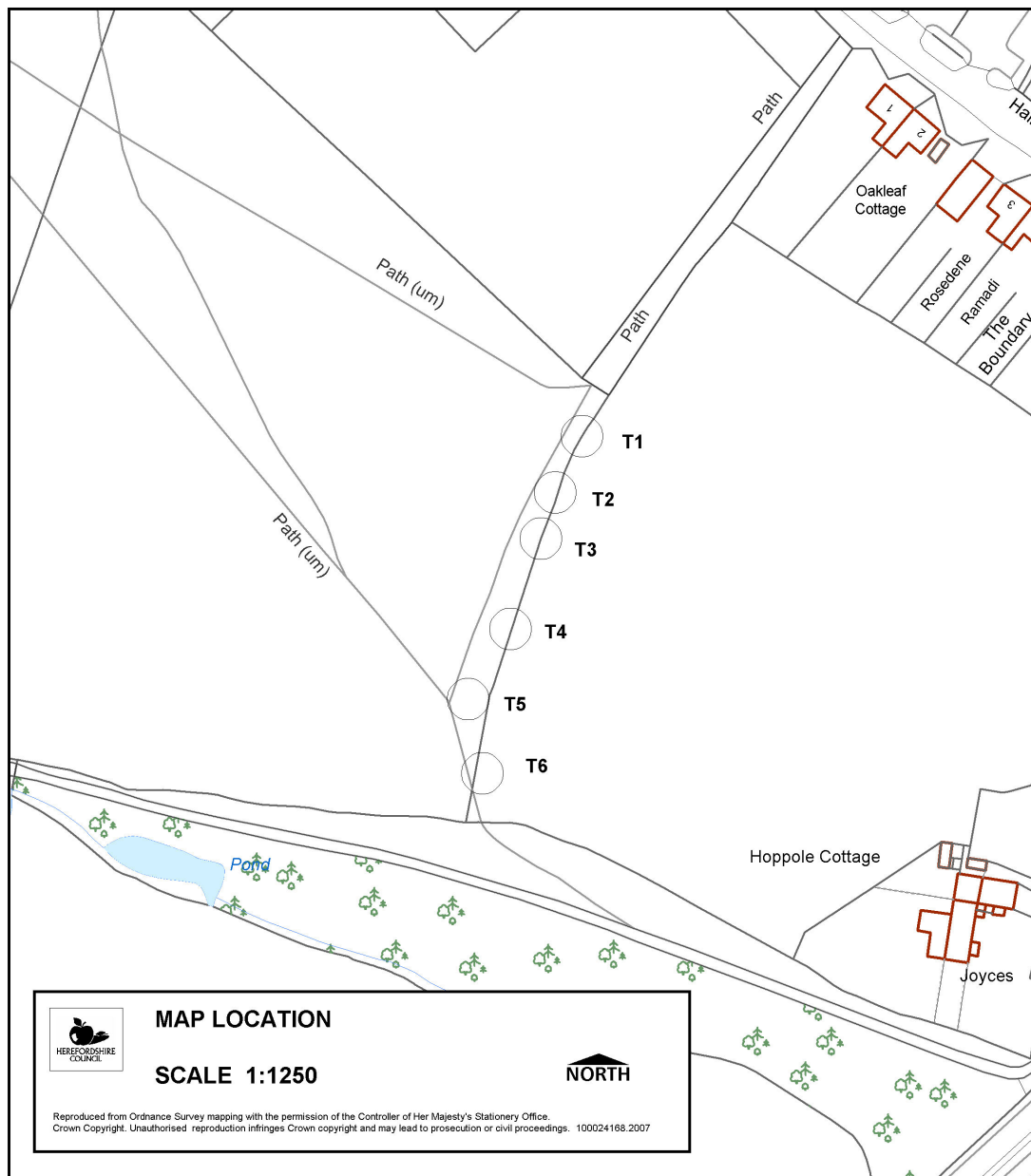
6.3 The trees in question are ideally suited to the environment in which they are growing. They are considered to make a significant contribution to the public amenity of the area and are in good general health and condition. The trees are likely to be in excess of 200 years of age and constitute a significant heritage asset.

6.4 Specifically, the objection to the making of this Order is based on the principal that the trees have been previously well managed, which is the case, that a significant number of additional trees have been planted in the vicinity, but that the development of a new pavilion is essential to ensure the ongoing success of the cricket club. Whilst it is acknowledged that the future success of the site is important it is also important to balance this against the protection of natural heritage and environmental assets. The trees, although mature specimens, are considered to have a considerable remaining useful life expectancy and their ongoing contribution to local amenity justifies the making of the order.

6.5 There is no right of appeal against the confirmation of a Tree Preservation Order, however an application can be made to lop or fell under the Order and if the Council refuse this then the applicant can appeal to the Secretary of State.

RECOMMENDATION

THAT Tree Preservation Order at Colwall Cricket Ground, Colwall is confirmed.



TREE PRESERVATION ORDER

GRID REFERENCE: 375010 241919

OS REFERENCE: SO 7541NW

LOCATION DESCRIPTION: Colwall Cricket Ground, Colwall

PRINTED DATE

AUTHORISED OFFICER:

COUNCIL SEAL: