

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM:
DATE OF MEETING:	17 JANUARY 2017	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	RICHARD RODGERS (01283) 595744 richard.rodgers@south-derbys.gov.uk	DOC:
SUBJECT:	PROPOSED TREE PRESERVATION ORDER 438 LAND AT THE DALES, ASKEW GROVE, REPTON	REF:
WARD(S) AFFECTED:	REPTON	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That this tree preservation order be confirmed.

2.0 Purpose of Report

2.1 To consider confirmation of this tree preservation order (TPO).

3.0 Detail

3.1 This tree preservation order was made on 4th August 2016 and includes 1 x group and 14 individual trees on land at The Dales, Askew Grove, Repton. There are more trees on the site but the individuals and group identified are seen as those worthy of protection through any redevelopment of the site.

3.2 The TPO was made at the request of the Area Planning Officer following receipt of a layout plan which suggested demolition of the current buildings here, to be replaced with houses. This site abuts the Conservation Area and the trees are mature and have a high amenity value in the area.

3.3 Three responses have been received following consultation. Their content is outlined below:

From landowner/developer

- To protect such a number of trees will affect the commercial viability/ value of the site;
- Protecting trees T10 and G1 will prohibit all necessary works to provide a suitable access observing current Highways design;

- The remainder of the trees will impede design opportunities for potentially 50% of the developable site area. Design options under consideration will not be viable with such restrictions in place;
- The tree survey (presented at the time as part of the pre application submission) did not show the 30no trees to be growing on the banked area of the site, those close to the conservation area;
- It would be the landowner's intention to leave the majority of the trees intact regardless of the type of development, with final agreement accompanied by their commitment to supplement the landscape with new trees of suitable species.

From a neighbour

- There are more mature trees on the site (which are not in the Order) which usefully screen and provide privacy. Would the developer be able to fell these without redress?
- A neighbouring property at 39 Askew Grove (and adjacent to this site) is currently for sale. Does this current scheme for redevelopment differ from the Councils previously published information in regards redevelopment here?

One letter generally supporting the order was received, the trees here said to provide a sanctuary for wild animals and birds and should be safeguarded. One question raised in that response however makes reference to an adjacent woodland and whether is it protected. Without specific detail as to which site, it is difficult to respond to that point. It may be that the adjacent woodland falls within the Conservation Area and by virtue of that situation is afforded some protection.

3.4 In answer to the comments made officers have the following response:

- The Council are committed to working with the landowner. The trees identified in the order however should be considered as constraints and any design reflective of a preference to protect them. The identified trees are felt to be the very best specimens across what is a well treed site.
- It is felt there is sufficient room to alter or create a new access without detriment to the nearby trees. It may be necessary however to use new techniques which are considerate to working in close proximity to protected trees;
- It is likely the trees on the western part of the site are actually within the Conservation Area and thus already protected. That specific 'group' works differently to the majority of the individually identified trees in this order as it is seen more as a woodland and associated with the brook that runs through it.
- If the Order is confirmed, the landowner could remove the other trees across the most immediate site here without redress. Any new dwellings proposed on the site however would have to comply with the Councils SPG in terms of

maintaining a reasonable level of privacy and amenity to premises and their occupiers.

- As mentioned in the County Councils consultation response, they have a number of options under consideration.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make the trees the subject of a tree preservation order. This will ensure at the very least that any retained trees are afforded maximum protection through any related construction on this presently undeveloped site.

5.0 Conclusions

5.1 It is expedient in the interests of amenity to preserve.

6.0 Financial Implications

6.1 Notwithstanding the above representation, the responsibility for trees and their condition remain with the landowner. The Council would only be open to a claim for compensation if an application to refuse works to the TPO was made and subsequently refused, and liability for a particular event or occurrence could be demonstrated.

7.0 Corporate Implications

7.1 Protecting visually important trees contributes towards the Corporate Plan theme of Sustainable Development.

8.0 Community Implications

8.1 Trees that are protected for their good visual amenity value enhance the environment and character of an area and therefore are of community benefit for existing and future residents helping to achieve the vision for the Vibrant Communities theme of the Sustainable Community Strategy.

9.0 Background Information

- 9.1 Tree Preservation Order – dated 04/08/2016.
- 9.2 Neighbour letter – dated 11/08/2016.
- 9.3 Neighbour letter – dated 31/08/2016
- 9.4 Letter from Landowner (Derbyshire County Council) – dated 02/09/2016.