
REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	28 TH OCTOBER 2014	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING	OPEN/EXEMPT PARAGRAPH NO:
MEMBERS' CONTACT POINT:	RICHARD RODGERS	DOC:
SUBJECT:	TPO381	REF:
WARD(S) AFFECTED:	MELBOURNE	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 woodland tree preservation order was made on 16 June 2014 in respect of trees within the grounds of Lambert House, Ashby Road, Melbourne.
- 3.2 The TPO was made at the request of the Area Planning Officer following receipt of a planning application (9/2014/0216 for a new dwelling) which put a number of well-established trees on the site under threat.
- 3.3 The woodland is well seen from a number of public vantage points (public footpaths etc.) and contributes to the landscape setting of the adjoining conservation area, itself part of the setting to Melbourne Hall and its registered garden. The woodland therefore provides important visual amenity and contributes to the character of the locality.
- 3.4 Comments relating to the proposed Order have been received and are summarised as:
- With few exceptions the trees are all self-set and there are no individual trees of merit. The 'Woodland' Order supports the contention that there are no individual trees of merit;

- The tree evaluation report appears to be limited only to the application area;
- It is not explained or justified why the entire site was included in the order, when only part of it made up the planning application. The order covers an area up to six times the application site;
- Large parts of this site (including the house and planning application site) were left out of recent boundary change to the Conservation Area. If all of the trees here were seen to make a positive contribution they should all have been included in that boundary revision;
- Mr Dunnicliff has restored the site here (previously an unused quarry), tending and managing the land allowing it to flourish as a haven for wildlife. The woodland has matured with the aid of careful management. There is no threat to the bulk of the woodland, the order is merely a thinly disguised knee jerk reaction to the situation;
- Should the planning appeal be successful, the order will have no effect in preventing the removal of a relatively small number of trees;
- But for the planning application this order would not have been made, or even occurred to the Council to make it;
- The applicant will have to make an application every time he wishes to carry out maintenance to the trees. This will result in delays as well as additional cost - expense in engaging a tree consultant.

3.5 In answer to the comments made, officers have the following response:

- The Planning Inspectorate recently commented on the value of the trees here (following the related planning appeal) stating '*...the ground falls away from the quarry to the south, giving it a prominent and commanding position in the landscape which is considerably softened by the landscaping and surrounding woodland which provides visually continuity with the wider, bocage landscape*'. As such it is deemed that all the trees here contribute in some way, providing a well seen 'green canopy'.
- The tree evaluation report is a little unclear as to which trees it refers. The Councils Tree Officer is however fully supportive of protecting the wider 'woodland'.
- There is no reported explanation as to why some of the site was left out of the recent change to Conservation Area boundary. In this instance the inclusion of the house and the trees closest to it may have been seen to be too onerous, especially in regards the restrictions it brings in regards extensions/alterations to Lambert House which has limited appeal in a conserving situation.

The Council is obligated to protect trees of value to their landscape setting (and this is supported by saved Environment Policy 9). All trees

cannot be saved. However should a planning application carry a threat to valuable trees, the Council should not ignore that obligation.

- The Planning Inspectorate has subsequently dismissed the planning appeal. As described above the woodland was referenced as contributing positively to the landscape offer.
- In such woodland situations the Council is minded to accept a 5 year tree management plan. This ensures good long term management of the woodland (in accord with free advice from the Councils Tree Officer) and lessens the administrative burden on the applicant.

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.

5.0 Conclusions

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

6.0 Financial Implications

- 6.1 None.

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 16th June 2014 Tree Preservation Order
9.2 30th June 2012 – Letter from agent.
9.3 Planning Inspectorate Appeal Decision