

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	19th DECEMBER 2017	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY & PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	RICHARD RODGERS (01283) 595744 richard.rodgers@south-derbys.gov.uk	DOC:
SUBJECT:	PROPOSED TREE PRESERVATION ORDER 468 ON LAND TO THE EAST OF 29 PENKRIDGE ROAD, CHURCH GRESLEY	REF:
WARD(S) AFFECTED:	CHURCH GRESLEY	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That this Tree Preservation Order (TPO) be confirmed without modification.

2.0 Purpose of Report

2.1 To consider confirmation of this TPO.

3.0 Detail

3.1 This TPO was made on 14 July 2017. The protected area is made up of a mix of species, mostly broadleaf trees, planted around the time the site as the main estate was constructed (some 20 years ago) and detailed on the plans, those approved at that time, as 'structural landscaping'.

3.2 The land on which the trees sit has since been the subject of a development enquiry which put the retention of most of the trees in doubt.

3.3 The trees are seen to contribute to the locality by way of forming a green buffer helping to soften the immediate landscape and screen views, both in and out of the site.

3.4 One letter relating to the proposed Order has been received and are summarised as:

- The TPO was placed on this parcel of land without any dialogue with the landowner;
- The TPO is poorly worded and lacks proper justification. In terms of the trees effectively screening the scrap yard, the trees are at least 32 m away from the

scrapyard with other 'protected' trees (those most adjacent to the scrapyard site) already providing some softening;

- The trees are planted too closely together and the health of many of them is already suffering as they compete for position;
- If these trees were allowed to grow in the current layout they will soon need maintenance work to thin them;
- No trees have been cleared, despite accusatory claims to the contrary.
- The TPO has been incorrectly drawn, possibly include trees relating to an adjacent extant site – see 9/2015/1127?
- Assessing the make-up of the area of trees, ie those closest to Penkridge Road being generally of low amenity, it should be varied to include only the larger trees on its northern boundary;
- In relating the area of trees to guidance contained within the National Planning Practice Guidance (NPPG), the area contains no individual tree of particular importance, it has no cultural or historic value and its principal aim is to screen, where screening can be achieved purely by retention of the larger trees on the northern boundary;
- The site is small; such any value to nature, conservation or climate is limited.

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

- This area was designated as 'structural landscaping' back in 1998 when the wider context received approval for development. Structural landscaping allows for an area to be planted specifically providing a visual buffer, a screen or simply a vegetative break in the street scene.
- In terms of its value, it does break up the otherwise built street scene, does soften the current development when seen from adjacent lands and equally provides a haven for the local wildlife. The buffer will, but not exclusively, screen some views of the scrapyard.
- The area is now established (some 15 years growth). The next stage will be for the better specimens therein to thrive; this will undoubtedly lead to some failing. Those failing trees could if required be removed although if they were to remain (more so those in the middle of the copse) their failing would not cause harm to the public realm and be beneficial to local wildlife. Should the landowner wish to remove them however that could be achieved by way of an application and an approved management plan.
- It is undoubted the area has no specimen trees within it. It is the collective planned for 'feature' that has evolved, that is desirable to protect. It equally contributes to its National Forest situation, a context where areas such as these should be prioritised.

- The Council has limited mechanisms in regards protecting trees when enquiries put their retention under threat and dialogue highlighting a non-protected constraint could be counterproductive. This latter placing of the order reiterates the importance of the trees to the locality whilst the proposed development would without doubt have led to the loss of a disproportionate number of trees, in this edge of urban area context. The order at this stage is still temporary and it allows for the trees merits to be discussed at a more advanced level.
- Protecting trees of value accords with the Corporate Plan theme of Sustainable Development having environmental/ecological/wildlife benefits.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make the trees the subject of a TPO.

5.0 Conclusions

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

6.0 Financial Implications

6.1 Notwithstanding the above representations, 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

- a. 14 July 2017 - Tree Preservation Order
- b. 31 March 2016 – Letter from Planning Design Practice Ltd, Derby