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| <b>REPORT TO:</b>                  | <b>PLANNING COMMITTEE</b>  | <b>AGENDA ITEM:</b>            |
| <b>DATE OF MEETING:</b>            | <b>17 JANUARY 2017</b>   | <b>CATEGORY:<br/>DELEGATED</b> |
| <b>REPORT FROM:</b>                | <b>DIRECTOR OF COMMUNITY AND<br/>PLANNING SERVICES</b>   | <b>OPEN</b>                    |
| <b>MEMBERS'<br/>CONTACT POINT:</b> | <b>RICHARD RODGERS (01283)<br/>595744<br/><a href="mailto:richard.rodgers@south-derbys.gov.uk">richard.rodgers@south-derbys.gov.uk</a></b> | <b>DOC:</b>                    |
| <b>SUBJECT:</b>                    | <b>PROPOSED TREE PRESERVATION<br/>ORDER 437: LAND AT<br/>BROOMHILLS LANE, REPTON</b>   | <b>REF:</b>                    |
| <b>WARD(S)<br/>AFFECTED:</b>       | <b>REPTON</b>  | <b>TERMS OF<br/>REFERENCE:</b> |

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## **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 group preservation order was made on 25<sup>th</sup> July 2016 and covers 48 trees on land at Genista, Broomhills Lane, Repton. This continuous linear feature (stretching for some 70m) abuts a local footpath and softens the transition here from village edge to countryside by way of a vegetative corridor.

3.2 The TPO was made in order to protect the feature (as far as possible) and such the local character following receipt of a planning application (9/2016/0514) which proposes a new dwelling on the adjacent land.

3.3 One letter questioning the necessity of an order has been received and is summarised here:

- The objector questions the statement that the site is close to the conservation area, the 'site or garden not actually in the conservation area';
- The objectors have personally invested hundreds of pounds in planting these trees;
- The objectors have checked with their tree surgeon and none of the trees are endangered, indeed two are overgrown and require thinning out;
- Detailed plans (once provided by an architect) will show that only a handful of trees will need to be removed to create the gateway/site entrance. That level of tree removal would not be excessive;
- The cherry tree is not within the border shown and not visible from the road, therefore would have no impact on the amenity value if removed. The same could be said others here;

- An order here is potentially dangerous as trees need to be clipped to ensure they don't scratch passing cars;
- Development on an adjacent site has resulted in a 'reduction' in ambience and involved removing bushes and trees. The objectors wish to achieve the opposite.

Two letters supporting the order were also received. Repton Parish Council is supportive of the order and wish it to be made in perpetuity. Equally a local resident has commented that the trees do have high amenity and provide a wildlife corridor, safe roosting for birds and help preserve the rural aspect.

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

- The site is not within the current conservation area boundary but is certainly close enough to affect its setting. The proximity to the conservation area is one material consideration but the trees are worthy of preservation in their own right;
- There is no dispute the site has been well maintained and well planted. The planting has since matured into an attractive feature;
- The placing of a TPO does not stop routine tree maintenance or cutting back to remove conflict with passers-by;
- The creation of a new and safe access, including safe 'inter visibility' splays would more than likely involve more trees than first envisaged. Equally a preservation order ensures the trees are properly protected through any latter building work;
- Whilst the cherry tree may not be visible from the road, it does form part of the collective here, providing some depth and variety. If it is found not to be within the plotted boundary, it could be withdrawn from the schedule without significant detriment.
- Bushes are not protected by a TPO or a Conservation Area situation.

#### **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 25/07/2016.

9.2 Letter of objection – dated 26/07/2016.

9.3 Email received from same objector – dated 27/07/2016.

9.4 Neighbour letter supporting Order – 05/08/2016.

9.5 Email supporting Order – 17/08/2016.