

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>19 SEPTEMBER 2023</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>HOLLY BUDWORTH (01283) 595926</b> <a href="mailto:Holly.budworth@southderbyshire.gov.uk">Holly.budworth@southderbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>TREE PRESERVATION ORDER 553 - 7 CHAPEL STREET, TICKNALL, DERBY</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>REPTON</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

1.1 That this tree preservation order should be confirmed.

## **2.0 Purpose of Report**

2.1 To consider confirmation of this Tree Preservation Order.

## **3.0 Detail**

3.1 A five day notice was submitted on the 10<sup>th</sup> October 2022, proposing to fell seven trees. Six of the trees were positioned to the rear of the site and one of them being to the front (T1 – Spruce tree). The information provided by the applicant to justify a 5-day notice to this Authority was not considered sufficient and the applicant was therefore advised to engage a qualified tree surgeon or arboricultural consultant to provide robust written justification as well as supportive photographs. Sufficient technical evidence was not provided and the 5 day notice was dismissed.

3.2 A Section 211 notice was then later submitted to fell a total of 9 trees, under application ref DMOT/2023/0081:

- Spruce Tree, Front Garden (T1 on Applicant's Plan)
- Pine Tree, Rear Garden (T2 on Applicant's Plan)
- Spruce Tree, Rear Garden (T3 on Applicant's Plan)
- Scot's Pine, Rear Garden (T4 on Applicant's Plan)
- Damson Tree, Rear Garden (T5 on Applicant's Plan)
- Sycamore Trees, Rear Garden (T6, T7 and T8 on Applicant's Plan)
- Hawthorn Tree, front garden (T9 on Applicant's Plan)

3.3 Following a site visit and assessment made by SDDC's Biodiversity Officer, a TEMPO (Tree Evaluation Method For Preservation Order) was conducted, for T1 – Spruce Tree, to the front garden (as per Applicant's Plan) and T2/T3 – Pine Trees to the rear garden (as per Applicant's Plan).

- 3.4 Both T2/T3 (Pine Trees, Rear Garden - as per Applicants Plan) stand within the rear garden of No 7 Chapel Lane, are semi-mature in age and between 10-14 m in height. These trees can only be viewed with difficulty by the public realm. It was concluded that the trees fail on the amenity assessment due to their limited and localised visibility from the public realm.
- 3.5 T1 (Spruce Tree, Front Garden as per Applicants Plan) is situated to the front of the site. This tree is semi-mature in age, approximately 12-14m in height, in good condition and adjacent to Chapel Street within the Ticknall Village. The tree is also visible from the southern end of Ingleby Lane and partly visible from Main Street, Ticknall. The tree has sufficient space for incremental growth and is no closer to buildings than the pine tree adjacent (which is protected by a South Derbyshire Tree Preservation Order No 77). A TEMPO assessment was carried out, scoring the tree in question a score of 17 – meaning that the tree warrants protection by means of a TPO.
- 3.6 T1 (Spruce Tree, Front Garden as per Applicants Plan), was removed from the application for the felling of 9 trees.
- 3.7 A Tree Preservation Order (TPO) was made on the 2<sup>nd</sup> of February 2023 (TPO 549).
- 3.8 An error on the Tree Preservation Order (TPO 549) was identified (the species of the tree was incorrect on the order) therefore the order has lapsed.
- 3.9 A new Tree Preservation Order (TPO 553) was made on the 21<sup>st</sup> April 2023, in respect to T1 (Spruce tree to the front garden, as outlined on the Applicant's Plan)
- 3.10 Seven letters of objection have been received through consultation (in relation to both made TPOs), in summary, stating:
- The tree is neither a native species, nor one of the Scots Corsican Pine and therefore has no rarity, cultural or historic value;
  - The trees contribution to the character and appearance of the conservation area is limited as relatively few visitors to Ticknall stray along Chapel Street;
  - An imposing Scots pine/Corsican pine also grows in the front of the site. Consequently, removal of the subject tree would not leave the property denuded of the visual impact of a significant tree;
  - May potentially cause issues to the drain adjacent to the tree and the applicant later stated that this is the case;
  - It is a forest tree belonging to the Scandinavian forests and not in a village setting close to houses;
  - The tree has no visual appeal and is overly large for its setting and much of its growth is well above head height so is not seen in normal views of the street scene;
  - Concerns are raised with the root spread causing impacts on foundations.
- 3.11 In answer to the comments made officers have the following response:
- The tree to be removed, offers amenity value and is given a score (from the TEMPO assessment) of 17 – and therefore merits protection by way of a TPO.
  - This specimen is semi-mature in age, approximately 12-14m in height, in good condition and located adjacent to Chapel Street within Ticknall village. The tree is also clearly visible from the southern end of Ingleby Lane and partly visible from Main Street, again within Ticknall village. The tree has sufficient space for incremental growth and is no closer to buildings than the pine tree adjacent, which is protected by an SDDC TPO.

- ‘Amenity’ is not defined in law, but the Planning Practice Guidance (PPG) states TPOs “*should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public*” and before confirming authorities “*should be able to show that protection would bring a reasonable degree of public benefit in the present or future*”. This is public benefit is considered to exist, as outlined above, and removal of the tree would have a negative impact.
- Regard has been had to the PPG in making the TPO and in preparing this report.
- Whilst the tree in question may cause issues to foundations, etc, no robust justification (subsidence report and/or engineering report) has been submitted to demonstrate this. It is considered that more detailed survey and investigation work is required to determine whether the spruce is affecting the drain and wall, to what magnitude and whether there may be remedial works other than tree felling to ameliorate these issues.

#### **4.0 Planning Assessment**

- 4.1 It is expedient in the interests of amenity to make the tree the subject of a TPO in accordance with advice set out in the PPG and as per recommendations made by SDDC’s Biodiversity Officer.

#### **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.