

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>16<sup>th</sup> APRIL 2019</b>	<b>CATEGORY: Delegated</b>
<b>REPORT FROM:</b>	<b>Strategic Director (Service Delivery)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Katie Moriarty (01283) 595936</b> <a href="mailto:katie.moriarty@southderbyshire.gov.uk">katie.moriarty@southderbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Tree Preservation Order 504: Tower Farm, Swarkestone Road, Weston on Trent</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>Weston on Trent</b>	<b>TERMS OF REFERENCE:</b>

---

## **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 This tree preservation order (TPO) was made on 18<sup>th</sup> December 2018 in respect of a group of trees (of various species) on land at Tower Farm, Swarkestone Road, Weston on Trent.

3.2 The TPO was made following the findings of a Landscape and Visual Appraisal (LVA) that was submitted as part of planning application ref. 9/2018/0493. The subsequent recommendation for approval which was underpinned by these findings given that whilst the proposed replacement dwelling would not accord with the Local Plan due to its size and visual intrusion into the open countryside; the LVA demonstrated that owing to the extensive tree coverage surrounding the site, there would be no views of the development. Therefore, subject to the continued maintenance and presence of the tree coverage, there would be no visual harm. The TPO was made so to ensure that tree coverage could be maintained for the life of the development, given that its loss would undermine the very basis upon which planning permission was granted. In addition, its loss would compromise the applicant's ability to comply with conditions attached to that permission.

3.3 One letter of objection has been received stating:

- The TPO extends to 3.5 acres of land of which the domestic curtilage is 1 acre;
- Extant planning permission 9/2016/0842 was for the erection of a dwelling closer to the highway and had a more negative visual impact based on the submitted Landscape and Visual Appraisal;
- A blanket TPO has been placed without a site visit and assessment of the trees;

- The area of woodland has not been properly managed for decades and are in poor health;
- The tree coverage is needed from the road but a blanket TPO would be difficult to manage;
- The trees to the north and west of the site are very crowded and in poor condition and offer little screening from public areas;
- The approved dwelling design as part of application 9/2018/0493 is individual and high quality and the TPO is strongly worded against it being visible from the public vantage;
- A wide reaching TPO is overkill;
- Over the past 12 months, several areas of bramble have been removed and 700 trees have been planted.

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

- The LVA stated that the woodland surrounding the site *“has resulted in complete visual screening of the existing buildings within the site”*. The TPO was created as a way to ensure that the visual harm which might otherwise exist would be neutralised;
- The TPO was created to ensure that visual screening surrounding the site could be retained and ensure that there would be no visual harm from the proposal. The extent of the blanket TPO was with reference to the level of screening that was referred to in the LVA;
- The TPO was created to ensure that the trees around the site could be a material consideration in support of the planning application, as a proactive and reasonable way of retaining the screening for the life of the development;
- Whilst the earlier proposal was positioned closer to the highway than the replacement dwelling subsequently approved, the earlier proposal was significantly smaller. The earlier proposal complied with the policies of the Local Plan and was therefore not reliant on the visual barrier into the site from the current tree coverage, and there was no subsequent need for a TPO to protect against later visual harm;
- Various site visits have been carried out as part of the application process and the findings within the LVA and the submitted Tree Survey have been relied upon in the creation of the TPO.

#### **4.0 Planning Assessment**

4.1 It is expedient in the interests of amenity to make the trees the subject of a TPO in accordance with advice set out in the PPG.

#### **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**

- a. 18 December 2018 – Tree Preservation Order.
- b. 11 January 2019 – Letter of objection.