

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	15 SEPTEMBER 2015	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	CHRIS NASH (01283) 595926 chris.nash@south-derbys.gov.uk	DOC:
SUBJECT:	TREE PRESERVATION ORDER 392 AT NEWTON ROAD, NEWTON SOLNEY	REF:
WARD(S) AFFECTED:	REPTON	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That this Tree Preservation Order (TPO) be revoked concurrent with the creation of a replacement Order.

2.0 Purpose of Report

- 2.1 To consider revocation of this TPO.

3.0 Detail

- 3.1 The TPO was originally made on 5 January 2015 and subsequently confirmed following its presentation to committee on 23 June 2015.
- 3.2 The TPO features individual trees (22 in number at present) as well as 11 groups and was made at the request of the Council's Principal Area Planning Officer in association with the Council's Tree Officer.
- 3.3 The land on which the trees sit is subject to development pressure, the Council having recently refused an outline planning application in the locality (ref 9/2014/1039 considered at the committee of 2 June) for up to 100 dwellings. That refusal has been appealed and will be considered by an Inspector at a forthcoming Inquiry.
- 3.4 The trees are seen to compliment the landscape and ecological value of the area, with the landscape best described as 'estate parkland' and can be well seen from Newton Road as well as a large number of private gardens along Dalebrook Road and Brookside.
- 3.5 Following representations, it was recommended that trees T10, T11 and T12 were omitted from the Order and the described species of tree T17 was corrected from Sycamore to Holly.

- 3.6 Unfortunately an administrative error led to the confirmation of the Order without the modifications ratified by the Committee. As such, whilst the Order has legal status, there is uncertainty over the soundness of its creation.
- 3.7 The Town and Country Planning (Tree Preservation) (England) Regulations 2012 allow for the amendment or revocation of Orders previously made. In this circumstance however, the soundness of its creation means amendment is not considered appropriate. It is also more prudent to 'replace' the Order given administrative processes are more straightforward.
- 3.8 At the same time as revoking the existing Order, a replacement Order would be made. The new Order would be subject to consultation in the same manner as previously undertaken, and the previous objector would be able to make new representations. However as the existing Order still has status there would be no 'window of opportunity' for undesirable works to the trees on the site.

4.0 Conclusions

- 4.1 It is expedient in the interests of amenity and biodiversity to ensure the soundness of the Order cannot be questioned. The replacement Order would not prevent or preclude ongoing management of the trees, whilst providing appropriate control over the trees for the long term.

5.0 Financial Implications

- 5.1 There would be a minor additional administrative cost in undertaking further publicity and notification, although this would be minimised by corresponding on the revocation of the existing Order and the creation of the new Order at the same time.

6.0 Corporate Implications

- 6.1 Protecting visually important trees contributes towards the Corporate Plan theme of Sustainable Development.

7.0 Community Implications

- 7.1 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.

8.0 Background Information

- a) 1 December 2014: Council's Tree Officer Report.
- b) 5 January 2015: Tree Preservation Order 392.
- c) 9 February 2015: Letter from Helen Kirk (FPCR) on behalf of Barratt Homes.
- d) 23 June 2015: Report to Planning Committee seeking authority for confirmation of the Order.