

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 5</b>
<b>DATE OF MEETING:</b>	<b>23 JUNE 2014</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>RICHARD RODGERS (01283) 595744</b> <a href="mailto:richard.rodgers@south-derbys.gov.uk">richard.rodgers@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>PROPOSED TREE PRESERVATION ORDER 392 AT NEWTON ROAD, NEWTON SOLNEY</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>REPTON</b>	<b>TERMS OF REFERENCE: DC01</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 TPO was made on 5 January 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 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.

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 A detailed and lengthy objection relating to the proposed Order has been received from the consultants retained by the developer and is summarised here:

- During pre-application discussion, issues surrounding trees were never raised;
- Some of the trees identified lie outside of the application site boundary;
- The groups feature trees of differing value in terms of their condition and amenity value;
- The trees are not under threat of uncontrolled felling or pruning to facilitate development and all are currently under arboricultural management;

- They have been fully considered in the design process, retaining all significant tree cover and seen as integral features of the local landscape, and the serving of the order is seen to be counterproductive.
- The reason given for the making of the order is not proper, expedient or intelligible; it is requested that the Council evidence that an officer visited site;
- The Order utilises the applicant's tree survey and is based on its content, yet assessment for TPOs uses a different methodology and should take account of other factors such as reduced public amenity;
- T17, listed as a sycamore, is in fact a holly;
- The detail in regards quantities of trees in the identified groups is limited, and as such it is difficult to determine to which trees the Order relates;
- The proposed development scheme includes extensive new tree planting of complimentary species;
- The expediency of the order is therefore questioned given recent National Planning Policy Guidance (NPPG) which states 'it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management'.
- An important determinant in regards an Order is to protect public amenity. Many of the trees would not be clearly visible to the wider public, at best seen only by a limited number of local residents. The Local Planning Authority have not articulated exceptional circumstances as to why they seek to protect trees barely if at all visible from the public realm;
- The Order should not be confirmed, rather amended or withdrawn.

The objection letter further includes details of all the identified trees and provides an individual TEMPO (Tree Evaluation Method for Preservation Orders) score for all.

- 3.6 In responding to the above objection the NPPG states Local Planning Authorities can make a TPO in the 'interests of amenity'. That amenity can be measured 'visually' but additionally can include an ecological and/or a landscape offer. The majority of the trees here can be seen from the public realm and any development would facilitate close range views. Whilst some of the current views are distant, they ultimately add to the overall parkland landscape character here. Furthermore not all the trees in the identified groups are worthy in their own right, but they offer a variety of species which can sustain wider ecological benefits.
- 3.7 Whilst the draft masterplan does indeed show a layout and preferred level of tree retention, that layout can change under the detailed stage of the application process. At present it shows an indicative layout only. The serving of this order is felt necessary at the very least to allow the Local Planning Authority greater control in regards works in proximity to the trees. A revised layout, creation of roads/footways, etc. which may come forward in any 'detailed' plan could have implications for existing root protection areas and canopies. Trees given permission to be felled or pruned through an approved planning application however would supersede any protection given by this order, and this is an important point.
- 3.8 Some of the trees do lie outside of the site boundary but most are under the control of the same land owner for which there may be future pressure for development. To enable the Council to assess the tree offer here cohesively it is considered these 'adjacent' trees be included, given that they additionally contribute to the overall landscape quality of the vicinity.

- 3.9 It is acknowledged that the numbering does indeed reflect the tree survey submitted with the application, but procedurally there is no failing here. Using the same/similar numbering system allows for consistency and attempts to reduce confusion. The Council's Tree Officer has carried out a site visit and conducted his own assessment for all trees covered by this Order.
- 3.10 It is not a requirement to list all trees in a group. In this instance the Council has listed species which are seen to contribute to the group offer and this is considered to offer enough information as to which trees the Council would wish to see retained.
- 3.11 Trees T10, T11 and T12 should not have been included in the Order and can be removed. Additionally T17 is a Holly as suggested, and the Tree Officer's report confirms this. This matter is therefore an administrative error. The TPO can be confirmed with modifications and would contain 21 individual trees and 11 groups

#### **4.0 Conclusions**

- 4.1 It is expedient in the interests of amenity and biodiversity to confirm the order with the modifications as outlined at 3.11 above. The order would not prevent or preclude ongoing management of the trees, whilst providing appropriate control over the trees for the long term.

#### **5 Financial Implications**

- 5.1 None.

#### **6. Corporate Implications**

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

#### **7. 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. 9 February 2015 – Letter from Helen Kirk (FPCR) on behalf of Barratt Homes.
- b. 5 January 2015 Tree Preservation Order 392.
- c. 1 December 2014 – Council's Tree Officer Report.