

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>16<sup>th</sup> JANUARY 2018</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>RICHARD RODGERS (01283) 595744 <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 ORDER 477 – LAND ADJACENT TO 59 MANCHESTER LANE, HARTSHORNE</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>WOODVILLE</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

1.1 That this Tree Preservation Order (TPO) be confirmed without modification.

## **2.0 Purpose of Report**

2.1 To consider confirmation of this TPO.

## **3.0 Detail**

3.1 This tree preservation order was made on 22<sup>nd</sup> September 2017 in respect of a group of 15 hawthorn trees on land adjacent to 59 Manchester Lane, Hartshorne.

3.2 The TPO was made at the request of the Principal Area Planning Officer in order to protect the feature through any adjacent development. The site is currently under consideration – see application 9/2017/1184 for the siting of 4 holidays cabins for holiday accommodation. That proposal was previously considered and refused – see application 9/2017/0342.

3.3 One objection relating to the proposed Order has been received and is summarised as:

- The trees whilst visible from the public carriageway are considered to be of low value (as TEMPO assessed), consisting of outgrown hedgerow forms and such not high value specimens. Their removal would not be significantly detrimental;
- Planning application 2017/0342, whilst refused showed the trees to be retained. It is therefore not accepted that the trees are under threat anyway;
- It should be noted vegetation has removed from the frontages of nearby properties without objection ;

- The trees should be managed by the landowner as a hedgerow without impediment rather than a group of trees, to improve the structure, wildlife contribution and visual amenity.
- Prior to the application our client could have justifiably removed the trees on the frontage but chose to keep them as part of the future use of the site..
- TEMPO score for the trees equals 8. That score does not merit a TPO. It is unlikely a TPO would be upheld if legally challenged;
- No felling or removal of trees as part of any future development is intended without being approved through the planning process;
- Order is in conflict with relevant legislation and guidance and should be withdrawn;

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

- The group has also been assessed by the Council (in the interim) as being a feature it would prefer to be maintained. Without the Order, the group could be removed without any prior notification;
- The method for assessment is consistent with other assessments made in the locality – see TPO472 for comparison. This group is equally visible in the public realm;
- Protection of the group should ensure proper protection through any construction phase;
- There is contrary evidence to support that a more natural feature than a regimentally cut hedge has greater benefits for local wildlife;
- Reference is made to removal of vegetation to the fronts of residential properties nearby. There has been no breach of legislation in terms of vegetation removed there however.
- Protecting trees of value accords with the Corporate Plan theme of Sustainable Development having environmental/ecological/wildlife benefits.

#### **4.0 Planning Assessment**

4.1 It is expedient in the interests of amenity to make the trees the subject of a TPO.

#### **5.0 Conclusions**

5.1 It is expedient in the interests of amenity to preserve.

#### **6.0 Financial Implications**

6.1 The Council would only be open to a claim for compensation in relation to any future planning application. 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**

- a. 22 September 2017 - Tree Preservation Order
- b. 11 October 2017 – Letter from landscape consultant