

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	18th OCTOBER 2016	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	KIM PARKES (01283) 595982 kim.parkes@south-derbys.gov.uk	DOC:
SUBJECT:	PROPOSED TREE PRESERVATION ORDER 441 AT 3 NARROW LANE, TICKNALL	REF:
WARD(S) AFFECTED:	REPTON	TERMS OF REFERENCE:

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 TPO was made on 18 August 2016 in respect of a Beech Tree at 3 Narrow Lane, Ticknall.

3.2 The TPO was made at the request of the Council's Planning Assistant following a planning notification (9/2016/0029) for works to the tree in the Ticknall Conservation Area.

3.3 Comments relating to the proposed Order have been received from the applicant and owner, and are summarised as:

- The making of the Order was not a reasonable outcome as the application was made in the interests of good tree management.
- The Council are asked to justify its claim that the tree adds significantly to the amenity of the area, mindful that planning permission for no.3 Narrow Lane was approved in 2003 and no order was made by the Council at that time.
- The Council are asked to justify its claim that the tree is a good specimen.
- A request was made by the applicant/owner for pre-application advice from the tree officer but was not forthcoming. Instead the Council confirmed that a formal submission to the Planning Department should be made.
- The applicant/owner has sought advice from the Council following the making of the Order but is unhappy that the Council have not returned his calls.
- The Council are asked to justify why it was necessary to make the Order when there was no local objection to the proposed works.

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

- The tree notification process is such that gives automatic consent to the works proposed after the expiry of the process. The Council does not have the power to refuse the works as submitted. It is therefore reasonable to place an Order on the tree should the proposed works be unsuitable.
- Full views of the tree can be seen from Narrow Lane and partial views from High Street. These views sufficiently warrant the making of the Order on visual amenity grounds. The fact that it is claimed that Narrow Lane is mainly unused by the general public does not detract from the ability to appreciate the tree from the public realm and it make a contribution to the wider conservation area.
- At the time of the 2003 permission the tree in question was sufficiently clear of the proposed dwelling so not to place it under imminent threat from the development. Equally the size and amenity value of the tree will have been different at that time.
- The Council's tree officer has assessed the tree and was of the opinion that the tree is a good specimen.
- Comments raised in respect of procedure for making and confirming the Order are being addressed through the Council's formal complaints process.
- Local objection does not outweigh the other factors of consideration which in this case supported an Order being made.

4.0 Planning Assessment

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

5.0 Conclusions

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

6.0 Financial Implications

6.1 Notwithstanding the above representation, the responsibility for trees and their condition remain with the landowner. The Council would only be open to a claim for compensation 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. 18 August 2016 – Tree Preservation Order
- b. 19 September 2016 – Letter from Objector