
REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	16 TH DECEMBER 2014	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	STUART BATCHELOR	OPEN/EXEMPT PARAGRAPH NO:
MEMBERS' CONTACT POINT:	RICHARD RODGERS	DOC:
SUBJECT:	TPO383	REF:
WARD(S) AFFECTED:	SEALES	TERMS OF REFERENCE: PL01

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 tree preservation order was made on 8 July 2014.

3.2 The TPO was made following receipt of planning application (9/2014/0483). The proposed development (a new dwelling) put the future of the trees in doubt. The trees, especially the oak trees have excellent mature form and contribute to the locality, even the house is named after them.

3.3 Comments relating to the proposed Order have been received and are summarised as:

- The protection of the oaks is reasonable;
- The main reason for the objection is the inclusion of tree (T5), the magnolia. The tree is close to the proposed (vehicle) turning area and to avoid conflict with that parking/turning area the tree will need to be regularly pruned. This 'maintenance' is liable to be annual; with which prior consent will be required. I believe is unduly onerous on the tree owner.

- The tree is effectively screened by the oak trees and therefore its public amenity value is limited. Advice from the National Planning Policy Framework (NPPF) suggests *'orders should be used to protect selected trees if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before Authorities make or confirm an order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.* I do not believe the magnolia fulfils that requirement and as such the order should be modified

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

- In such situations the Council is minded to accept a 5 year management plan. This ensures good long term management of all of the trees here (often in accord with free advice from the Council's Tree Officer) and lessens the administrative burden on the applicant.
- Whilst the size and form of the oak trees certainly draws the eye, smaller trees can contribute and bring variety to the landscape. The magnolia is the fine specimen, offering vibrant colour in the summer months.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make the trees the subject of a tree preservation order.

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

- 9.1 8 July 2014 Tree Preservation Order 383
- 9.2 1 August 2014 Letter of objection from AL Smith (Chartered Arboriculturalist)