

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>16th OCTOBER 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</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 492 – FORMER ALLOTMENTS, GRESLEY WOOD ROAD, CHURCH GRESLEY</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>SWADLINCOTE &amp; CHURCH GRESLEY</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

1.1 That this tree preservation order should 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 26 April 2018 in respect of a woodland (featuring a mixture of species).

3.2 The TPO was made at the request of the Principal Planning Officer, due to a likely threat from development. The woodland is considered to be under pressure from development given an application has been received for development on part of the site reference 9/2017/1088. The trees cover the whole allotment site. All trees require protection due to foreseeable impacts including a new access, driveway widening work as well as clearance work required for the dwellings

3.3 Six letters have been received through consultation, four objecting to the proposed TPO and two letter of support, the comments are summarised as follows:

Objections:

- TPO's should not be confirmed unless the Council is convinced beyond all reasonable doubt that it is urgent to protect the trees because there is no alternative;
- This is in fact a valuable area of allotment land. The use has not been exercised noticeably in recent years so scrub and self-set trees have established themselves in haphazard fashion;

- None of the trees have potential to be fine individual specimens;
- The use of the word landscape (as in evolving landscape) is unjustified and subjective;
- Natural regeneration of this type cannot be described as offering a high level of amenity;
- The site fails to meet UK Forestry standards in regards its description as a woodland, not having sufficient tree canopy coverage (at least 20% of the site).
- The benefit to the odd footpath user is wholly unjustified for its blanket protection; if it were the countryside would be littered with TPO's;
- No resident is entitled to a view; why should adjacent residents enjoy special treatment over land belonging to others;
- The TPO simply trumps up indirect pressure to enable a refusal to be justified, by the unjustified use of powers that impose restrictions of other land belonging to others that are not involved;
- Making TPO's is not a matter of expedience, rather it is a serious step that should only be taken where the subject is worthy of the exercise of such powers. The trees here do not fit into that category;
- These are still allotments. In terms of what the local community might consider best for them there is every likelihood they would prefer to have the allotments available rather than this random area of tree cover;
- The TPO will destroy any opportunity for the allotments to be used as such;
- The land is effectively waste land the land not now worked as allotments;
- I would like to see a formal general description of general here, it more akin to scrub, brambles and nettles rather than 'woodland'.
- The site is prone to anti-social behaviour and fly tipping;
- As the land is in multiple ownership there needs a comprehensive considered view as to its future, for the good of the community and that might involve some development. Sensible planning could retain some important landscape elements, including some trees whilst releasing some much needed development land;
- Some residents have issues with vermin whilst others have structural concerns, conifers affecting the brickwork of their property;
- Reference made to 2009/0191 Outline for 28 dwellings (on adjacent land) and how that will alter the view from the footpath;
- I am willing to work with the Council in regards maintaining a current hedge (buffer to the footpath), include suitable trees for retention on my site and replant additionally if required;
- The trees limit our view, if the immediate hedge (that close to our back garden) is protected, that will limit view further;
- We get no sun past 10.30, the tall conifers screening. Can these be cut down?

#### Support:

- This is a natural evolving area of woodland with an abundance of wildlife including foxes, tawny owl, woodpeckers, jays and many species of native nesting birds. It is also a habitat for numerous insects, butterflies and bees;
- Many of the trees have grown from saplings, as well as an oak tree which we have seen grow (over the last 24 years) from an acorn;
- Frogs and newts also make their home her as they frequently visit our garden;

- Since moving here (35 years ago) habitat for wildlife has gradually eroded with the erection of residential and industrial buildings. Therefore we would be in favour of the order being made permanent;

3.4 The following comments are provided in response to the concerns / issues raised:

- The woodland has been assessed by the Council's Tree Officer, using the standard Tree Evaluation Method for Preservation Orders (TEMPO). The woodland scored 21 out of 25, a score that 'definitely merits a TPO'. Whilst it is acknowledged that there are few stand-out individual trees on the site, as a woodland overall it has a high level of amenity, increased by more so by how the site has evolved naturally in this urban context.
- The Tree Officer considers that the site has high biodiversity value. He notes recent academic studies that have found "tiny forests no large than tennis courts incorporating many native species of varying heights close together, boast higher biodiversity for their size than conventional woodlands and have other environmental benefits too".
- Should the allotments come back in to use, the Tree Officer would work with the site owners and users of the allotments in order to advise on management plans for the site. An allotment use however is considered to be less intrusive than built development (housing).
- The woodland should from this point be considered a constraint in terms of development. Consideration also needs to be given to how this woodland feature links with other green wildlife corridors and biodiversity networks in the locality (Hall Wood etc.).
- In respect of the comment relating to the maintenance of vegetation close by to people's gardens, the Council has advised adjacent occupiers as to what works could be achieved with appropriate consent and is will continue to do so.

#### **4.0 Planning Assessment**

4.1 The woodland has a high amenity value and its protection is considered necessary in light of the pressures for development on the site in accordance with advice set out in the Governments Planning Policy Guidance.

#### **5.0 Conclusions**

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

#### **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 having environmental, ecological and wildlife benefits.

#### **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. 26 April 2018 Tree Preservation Order.
- b. Letters of Objection.