

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>6<sup>th</sup> FEBRUARY 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 474 – LAND TO THE EAST OF RYKNELD ROAD (HIGHFIELDS FARM DEVELOPMENT), DERBY</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>WILLINGTON &amp; FINDERN</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 24<sup>th</sup> August 2017 in respect of a 38 individual trees (of mixed species) situated across land currently being developed for housing (Local Plan Part 1 strategic housing site (H12)).

3.2 The TPO was made at the request of the Principal Planning Officer. The land, prior to development was predominantly green field and features a number of individually important trees. Those trees are seen to be important to both the amenity and ecology of the area.

3.3 One letter of objection has been received.

- Full planning permission has already been granted for the comprehensive development of the site and such the works are exempt from protection under Regulation 14 (vii) of the TPO Regulations 2012;
- Moreover we are advised that the Council surveyed the site prior to issuing this Order and has confirmed that no inappropriate activities were observed with the ongoing development and appropriate tree measures provided; the additional protection of the trees therefore is unwarranted;
- The order seeks to protect 8 trees for which a TPO (using previously submitted TEMPO assessments carried out by FPCR) is indefensible. There is no evidence provided with the order that indicates a contrary view;

- Given the inappropriate inclusion of a number of trees, the order should be withdrawn or amended to omit those 'indefensible' trees.

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

- The bulk of the trees here are protected by planning condition, part of an approved landscaping scheme. As such their retention is planned for and so should not stand in the way of the development;
- Some of those trees that were intended for retention have been removed without prior dialogue. This order as such adds a more enforceable level of protection for the trees, which in turn should ensure retention of those identified trees, as the development progresses.
- The trees have been inspected at close quarters by the Council's tree officer and found to warrant protection. The number of trees protected is significantly less than first consulted on (see TPO460) where it is acknowledged some of the trees did not meet the standard required.
- DCLG TPO Guidance refers, where relevant, to an assessment of the amenity value of trees or woodlands, where authorities may consider taking into account other factors such as importance to nature conservation.
- 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 certain circumstances) in relation to any future planning application if an application to undertake works to the TPO was made and subsequently refused.

#### **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. 24 August 2017 - Tree Preservation Order
- b. 26<sup>th</sup> September 2017 – Letter of objection

