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<b>REPORT TO:</b>	PLANNING COMMITTEE	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	20 JANUARY 2015	<b>CATEGORY:</b> DELEGATED/ RECOMMENDED
<b>REPORT FROM:</b>	Director of Community and Planning Services	<b>OPEN/EXEMPT PARAGRAPH NO:</b>
<b>MEMBERS' CONTACT POINT:</b>	Richard Rodgers	<b>DOC:</b>
<b>SUBJECT:</b>	TPO389	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	LINTON	<b>TERMS OF REFERENCE: DC01</b>

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## **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 preservation order was made on 1 August 2014 in respect of a number of mature trees situated alongside Main Street and Coton Lane, Rosliston.

3.2 The TPO was made as the trees make a significant contribution to the immediate village environment and additionally have wider landscape value. The future of the trees is uncertain given development proposals detailed in planning application 9/2014/0372.

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

- Councils should, since they are both responsible for both making and confirming the Order, deal thoroughly, conscientiously and fairly with any objection. Trees should be assessed in a structured and consistent way taking into account visibility, individual impact and wider impact. In regards the 'confirmation' stage the Council could enter into further consultation allowing those who have made objections to view any officer report and submit further comment before the Committee makes its decision.

- Trees should be easily identifiable (in regards their location) on a scaled Ordnance Survey base and/or location identified in the 1st Schedule. The map annexed to the TPO does not have a scale and the 1st Schedule does not describe the location of the trees.
- The trees do not score 16+ points in a TEMPO (Tree Evaluation Method for Preservation Orders) assessment to definitely merit a TPO. They are outside of the village development boundary and do not therefore contribute to the amenity value of the village. It is neither considered to be an important 'gateway'.
- This recent TPO has been made to frustrate a planning application.

#### 3.4 In answer to the comments, officers have responded below.

- Whilst additional consultation may be of some benefit, the reasons for the Order are explained in the standard covering letter sent to all landowners / interested parties. Indeed Local Authority Officers do not enter into the process lightly and most TPOs are supported by a detailed Tree Officer report and TEMPO assessments, as is the case here. Objections to TPOs are reported to the Planning Committee before any decision to confirm an Order is made. That report is published on the Council website at least 7 days before the Committee meeting.
- The trees (T1 to T5) have been plotted on a scaled Ordnance survey based plan included with the TPO. The scale of the plan though is undeterminable. There are however landmarks and geographical features which gives some context to the locality. The trees are additionally identified in regards their species in Schedule 1. The subject of the order therefore is not in doubt. The TPO is not seen to be flawed in that regard.
- All of the trees here have been assessed and scored using TEMPO. T1 (Sycamore) has been scored as 14; T2 as 15. Collectively the oak trees score 18 mainly due to their expected retention span of 20-40 years. Under TEMPO a tree scoring between 12-15 is defensible as a TPO. Anything over 16 definitely merits a TPO whilst anything scoring 7-11 does not merit a TPO. The fact that the trees are outside of the village confine is irrelevant. There are a number of houses in the immediate as well as a footway providing a pedestrian link from those houses to the village centre.
- In respect of frustrating a planning application, the Council is obligated to protect trees of value in the landscape. Saved Environment Policy 9A in the adopted Local Plan states that: *'Development will not be permitted which would lead to the loss of areas of woodland or specimen trees of value to their landscape setting'*. In the justification for the policy it adds: 'Trees and woodlands ...make a valuable contribution to the environmental quality of an area. The character of many villages and settlements ... is enhanced by single, as well as, groups of trees. They are a vital element of the landscape and of great importance to nature conservation.' Later it states that 'Threatened by development ... measures need to ensure the

continued management, protection and replacement trees need to be pursued.'

#### **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 in accordance with prevailing policy.

#### **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 1 August 2014 Tree Preservation Order

9.2 Letter of objection from received 22 August 2014 - Design Construction Management Services Ltd.