

BRECKLAND COUNCIL

REPORT OF PAUL CALKIN STRATEGIC DIRECTOR-TRANSFORMATION APPEALS COMMITTEE – 17TH SEPTEMBER 2008

OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER 2008 NO.60, ASHILL.

1. Purpose of Report

- 1.1 Tree Preservation Order (TPO) 2008 No.60 was made in order to protect 1 (Hybrid) Black Poplar on land to rear of houses 1-7 The Green, Ashill following a planning application (3PL/2008/0214/F) for a scheme to build 7 social housing units. The order was served on the 2nd July 2008. An objection was made to the above TPO which must be considered by this committee. This TPO will expire on the 2nd January unless it is confirmed before this date.

2. Recommendations

- 2.1 That Tree Preservation Order 2008 No. 60 be confirmed as served.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

3.1 Background

Tree Preservation Order 2008 No. 60 was served on Pedders Way Housing Association on the 9th July protecting 1 Black Poplar, subsequent to a planning application (3PL/2008/0214/F) for 7 social houses to the rear of 1-7 The Green, Ashill. It is the duty of Local Planning Authorities, under section 197 of the Town and Country Planning Act (1990), to ensure that provision is made for the protection of trees when granting planning permission.

The tree stands on the southern edge of the application site and as such does not impede the site for development, although the layout will need to be re-visited to accommodate the tree, this, in my opinion would be relatively simple to do and I feel that the inclusion of this tree will enhance the proposed development.

The tree can be seen from the village green and from the existing houses that surround the site and as such forms an important visual amenity for the immediate area. See photo's (Appendix A).

An objection by Mr C. Yardley, Consultant Arborist for Pedders Way Housing Association, was received on the 28th July 2008. (Appendix B) The objection was raised on the grounds of insufficient public amenity value and that the retention of the tree would be in detriment to the proposed development.

The planning application was heard at the August meeting of the Development Control Committee, the decision of this committee was deferred pending the decision made by this committee.

3.2 Issues

It can be seen from the photo's (Appendix A) that the tree is in a prominent position and can be seen from various vantage points around the site. It would also considerably add to the amenity of any proposed development on the site.

The retention of the tree, in my opinion, will not significantly hamper the development of the site. I feel that with careful re-positioning of the proposed dwellings, it will allow the development to go ahead.

3.3 Options

To confirm Tree Preservation Order 2008 No.60 as served.

To not confirm Tree Preservation Order 2008 No.60

3.4 Reasons for Recommendation(s)

The Council has a statutory duty, under sections 197 & 198 of the Town and Country Planning Act, to ensure that provision is made for the protection of trees when granting planning permission by the imposition of Tree Preservation Orders. The poplar makes a significant contribution to the amenity of the locale through its profile in the visual landscape and through its support of biodiversity

4. Risk and Financial Implications

4.1 Risk

The Risk Management questionnaire has been completed and it is confirmed that risk has been given careful consideration and that there are no significant risks identified associated with the information in this report.

4.2 Financial

4.2.1 None

5. Legal Implications

5.1 None

6. Other Implications

a) Equalities: None

b) Section 17, Crime & Disorder Act 1998: None

c) Section 40, Natural Environment & Rural Communities Act 2006: This tree is of value as an important landscape feature of the immediate locale and through its support of biodiversity.

d) Human Resources: None

e) Human Rights: None

f) Other: [e.g. Children's Act 2004] None

7. Alignment to Council Priorities

7.1 Environment

Saved Policy ENV 6; Development Control will, through positive action, seek to protect habitats or other features which are of value to nature conservation, biodiversity

8. Ward/Community Affected

8.1 Ashill

Background Papers

None

Lead Contact Officer:

Name/Post: Richard Fisher, Assistant Tree and Countryside Officer

Telephone: 01362 656279 Email: Richard.fisher@breckland.gov.uk

Key Decision Status (Executive Decisions only):

Appendices attached to this report:

A: Aerial photograph of the site and photographs of the tree.

B: Mr C. Yardley's letter of objection

C: TPO Assessment spreadsheet