

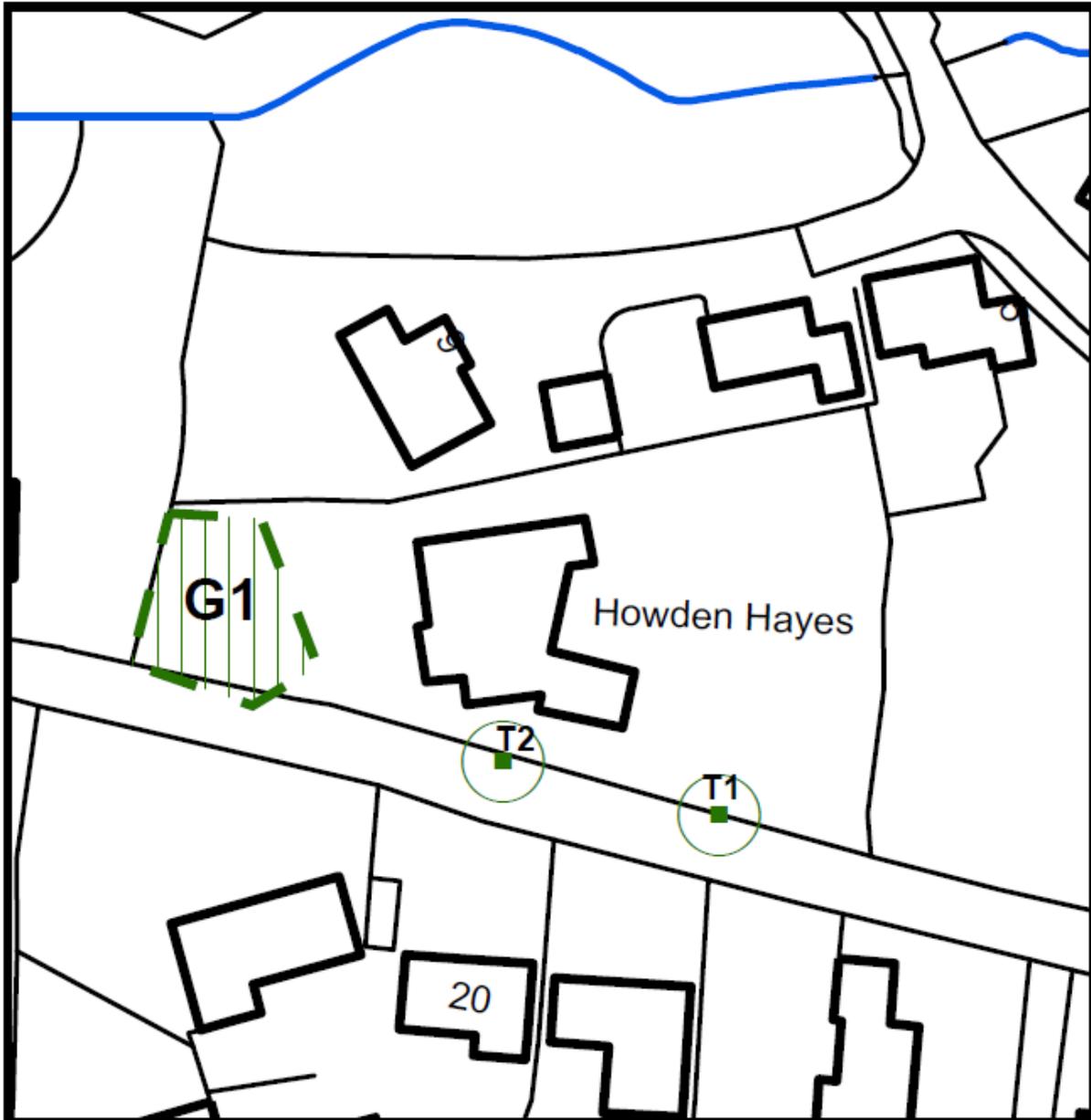
**AGENDA ITEM**

Application No. 17/0009/TPO

Grid Ref:

Location:

Howden Hayes, Tiverton



**Howden Hayes, Tiverton**

Scale 1:500 @ A4

Date 16th March 2017

17/00009/TPO

Produced by CL

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## REPORT OF THE HEAD OF PLANNING AND REGENERATION

### Reason for Report:

The intention is to revoke the existing Area Tree Preservation Order at Howden Court, Tiverton (06/00016/TPO) and replace it with smaller more manageable Tree Preservation Orders following the completion of the development (17/00006/TPO; 17/00008/TPO; 17/00009/TPO and 17/00015/TPO).

This report relates to a proposed TPO ref: 17/00009/TPO which relates to:

- a) 2 oak trees on the southern boundary of the property known as Howden Hayes
- b) A group of trees (2 pine, 1 sycamore, 1 beech, 1 ash and 1 oak) located towards the western boundary of the property known as Howden Hayes

It had always been the intention of Mid Devon District Council following the confirmation of the 2006 Area Tree Preservation Order to review it following the redevelopment of the site.

It is acceptable to use an Area Order but it is recommended that the TPO be amended when possible.

### RECOMMENDATION

That the Tree Preservation Order 17/0009/TPO is confirmed

### Relationship to Corporate Plan:

The proposal impacts upon the Corporate aim of 'Protecting the natural environment'

### Financial Implications:

None

### Legal Implications:

Tree Preservation Orders are made under the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Local Planning Authorities can make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area.

### Risk Assessment:

None

### Consultation carried out with:

1. The landowners have been notified of the imposition of the Tree Preservation Order and provided with the opportunity to object to its confirmation.

### DESCRIPTION/SITE HISTORY

The Tree Preservation Order (TPO) 17/00009/TPO is made for the property of Howden Hayes. Set on the edge of the Howden Court development it was originally included in the Area order by Mid Devon District Council in 2006.

## **AMENITY EVALUATION**

The overall amenity value of the tree cover at Howden Court is high. The woodland setting is on the edge of Tiverton and the trees are an important part of the wider landscape. The woodland is visible from Exeter Road, to the residents at Palmerston Park, pre-existing residents and the hundreds of new residents in the Howden Court development.

The retention of the trees was always an essential part of the development, they create the setting and back drop for the homes, making it a unique and desirable development with a sense of being well established.

The visual amenity value of 17/00009/TPO is not high but overall the trees contribute to the setting of the new and existing properties and the retention of the trees is desirable.

An amenity evaluation was carried out and the Oak trees along the Lane scored 16, the group of trees in the rear garden also scored 16, the benchmark score for considering protection with a TPO is 15. The trees have low visual amenity value but they are visible enough to neighbouring properties to warrant protection by TPO. They also add to the overall character of the area.

## **REPRESENTATION**

An objection of the TPO has been received:

The objection refers to the property of Howden Hayes not being part of the development so should not have been included in the original Tree Preservation Order and that no clear reasons have been given for including the trees at Howden Hayes given that they have low amenity value and brings no benefit to those whom it is intended to serve.

## **MATERIAL CONSIDERATIONS AND RESPONSE TO THE OBJECTIONS**

The objection reads: 'Howden Hayes was not a part of the development so the TPO should never have been made'. When the original Tree Preservation Order was made, the entire area known as Howden Court would have been considered for its overall landscape value and connectivity. Natural boundaries would have been used, and this was represented by the lane which runs to the south of the property Howden Hayes.

The trees included in the TPO 17/0009/TPO are important for their landscape and habitat value. Whilst the visual amenity value of these trees is not high, it is adequate to merit protection by Tree Preservation Order. An amenity evaluation was carried out which scored 16. A score greater than 15 means the trees should be considered for protection by TPO.

A past application, 09/00640/TPO was only part granted, to carry out works to trees including the removal of some mature specimens. The objector has discussed the possibility of the removal of trees adjacent to the property. As such the confirmation of this Tree Preservation Order is necessary to ensure that those trees worthy of retention are properly considered.

The amenity value of the trees at Howden Hayes has increased as the population has, following the completion of the new properties, justifying the creation of this new TPO even more so than the original 2006 Order.

## **CONCLUSION**

The trees at Howden Court and surrounding properties have been the subject of a Tree Preservation Order since 2006. The new Orders are to replace the original Area Order into more appropriate and manageable Orders.

The trees protected by 17/00009/TPO do merit protection by Tree Preservation Order as shown in the amenity evaluation carried out.

MDDC Tree Officer recommends the Tree Preservation Order to replace the area order 06/00016/TPO be confirmed.

### **Contact for any more information**

Cathy Lynch, Tree Officer  
01884 234304

### **Background Papers File Reference**

17/00009/TPO

### **Circulation of the Report**

Members of the Planning Committee