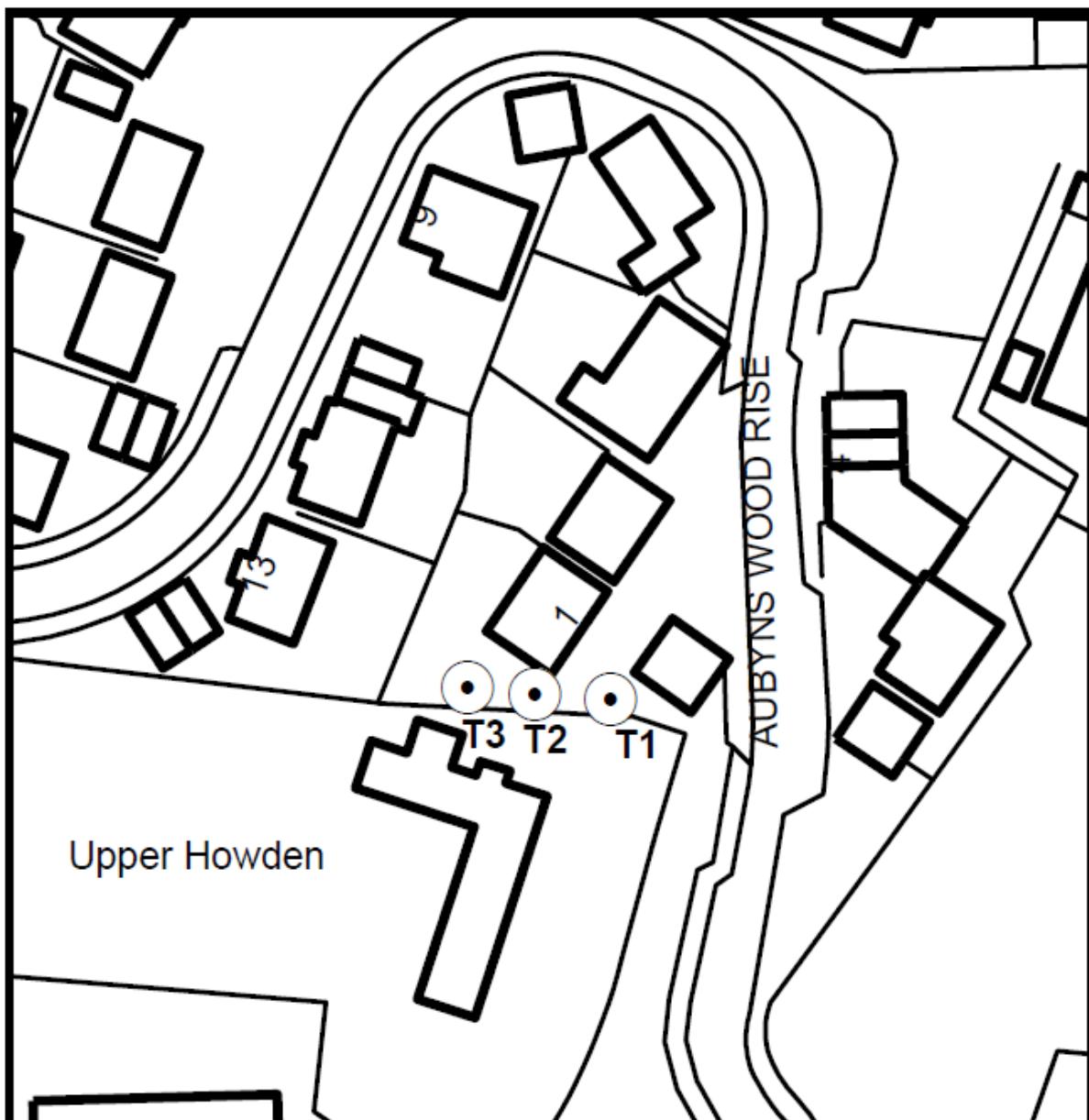


AGENDA ITEM

Application No. 17/00015/TPO
Grid Ref:

Location:

Aubyns Wood Rise, Tiverton



1 Aubyns Wood Rise, Tiverton

Scale	1:500 @ A4	Date	17th March 2017
17/00015/TPO		Produced by	CL

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AGENDA ITEM

PLANNING COMMITTEE 28.2.2018

REPORT OF THE HEAD OF PLANNING AND REGENERATION

Reason for Report:

The preceding 3 reports refer to the revised Tree Preservation Orders now proposed to cover areas contained within the original Tree Preservation Order 06/00016/TPO and to protect trees in the new development.

This report relates to a proposed TPO ref: 17/000015/TPO which relates to:

- a) One pear and 2 Maple trees towards the southern boundary of the property known as 1 St Aubyns Rise

There were no trees covered by the 2006 Area Order at this property but a new TPO 17/00015/TPO has been made to add further protection to newly planted trees.

RECOMMENDATION

That the Tree Preservation Order 17/00015/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 land here was formerly all known as Howden Court. Historically, it was used as school grounds. Before the development began, the majority of the school buildings had been demolished.

The original Tree Preservation Order was made to cover the entire area including the existing properties, using natural boundaries such as the Lane to the south.

Since the original Order was made in 2006 (06/00016/TPO) the site has been developed, with the majority of the works now complete. While there has been some tree loss it has been possible to retain the majority.

The trees the subject of this TPO were planted as a requirement of a planning condition so are still relatively young

AMENITY EVALUATION

Due to the trees only being planted relatively recently, the visual amenity of the trees is currently low, but there is scope for this to increase as the trees mature.

The trees are partly protected by a Planning Condition but this is not adequate for longer term protection, hence the Tree Preservation Order.

The value in these trees mainly arises from the screening value between the properties.

REPRESENTATION

An objection to the TPO have been made:

The Tree Preservation Order does not match the original planting scheme. The species of tree planted is inappropriate for its location and could lead to potential damage caused by roots and shading of the garden.

MATERIAL CONSIDERATIONS AND RESPONSE TO THE OBJECTIONS

MDDC Tree Officer has met with the objector to discuss the trees on the property. This is an unusual Tree Preservation Order as it protects only trees planted as part of the landscaping scheme for the site. The planting of the trees was agreed between the developer and the Planning Officer to act as a screen between the existing property of Upper Howden and the new property, 1 Aubyns Wood Rise.

3 Maples (*Acer campestre*) and 1 ornamental pear (*Pyrus calleryana*) have been planted by the developers. The original plan shows 4 Maples are to be planted. The Tree Preservation Order refers to 2 maples and 1 pear.

The objector is not happy with the species choice and some bad pruning has been carried out to the trees as a result. The threat of damage to property is not a consideration at this time but there may be some potential future threat, although it is unlikely that any damage will be caused by the roots of the trees to a property of this age and building specification. The bigger problem will be the size of the crown of the trees in relation to causing direct damage to the property unless they are pruned.

There are cultivars of Field Maple available which will maintain a small upright crown, but these planted specimens seem to be the native variety, which have the potential for a crown too large in this area. However, the Pear tree is suitable to this location.

Following on from a conversation with the objector it would be possible to look at different species as a replacement scheme for the Field Maples. However the Tree Preservation Order should be confirmed to ensure that there is some tree cover here. Following an application to remove the Maples, replacement trees can be agreed.

CONCLUSION

The trees were planted as a part of a wider landscape scheme agreed as a part of the Planning process and seek to ensure adequate screening between residential properties

MDDC Tree Officer recommends that the Tree Preservation Order be confirmed.

Contact for any more information

Cathy Lynch, Tree Officer
01884 234304

**Background Papers
File Reference**

17/00015/TPO

Circulation of the Report

Members of the Planning Committee