

15/00006/TPO1

1.0 PROPOSAL & SITE DESCRIPTION

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2016/6 which is a group Tree Preservation Order.
- 1.2 The site is located to the northern side of the main road into Dalton. The existing site is well-treed. To the west is St Johns Church which is separated by an open field. There are residential properties (1 and 2 Rose Lea) opposite with two other properties (Orchard Cottage and Yew Tree House) at a slightly oblique angle. The road bends to the west of the application site.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 93/0852/OUT - Detached dwellinghouse; Refused 30 April 1993.
- 2.2 16/00856/OUT - Outline planning application with all matters reserved for a detached dwelling and garage; Refused 9 June 2016.
- 2.3 Objections have been received regarding the making of the Order from the occupier of Stepping Stones and the Parish Council advise that only the trees within the site of the refused application should be made the subject of the tree preservation order and that the trees further to the north should be excluded from the order.

Three aspects of objection are made by the landowner (in summary these are):

1. The trees, particularly those south of Stepping Stones need a lot of management to prevent damage to house and services.
2. Trees are being planted and only removed due to disease or to overcome damage.
3. The owner are experienced in identifying a tree's need for attention. The trees in the garden of Stepping Stones are not under threat and are cared for, without the control of a TPO.

3.0 RELEVANT POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Dalton Parish Council - think that this preservation order should only apply to the curtilage shown within Planning Application 16/00856/OUT and not the whole site.

5.0 OBSERVATIONS

- 5.1 Planning application 16/00856/OUT related to a development of the front portion of the site, as part of the assessment of the site, a significant amount of tree planting was noted, particularly at the roadside, but also further to the rear, this semi-woodland character and the prominent hedgerows are an important feature to the landscape and the approach to Dalton. Therefore the extent of the TPO was widened to include the whole of Stepping Stones and the wider area to retain the rural and sylvan quality of the site. This adverse impact was progressed as a reason for refusal to the planning application.
- 5.2 The loss of trees and the potential impact on protected species present was also considered an important consideration in the refusal of planning application 16/00856/OUT and this extends beyond the application site. The commentary of the Parish Council and landowner of Stepping Stones gives confidence that there is no imminent risk to the tree cover of land at the rear of the site.
- 5.3 Planning Practice Guidance advises that the group category should be used to protect groups of trees where the individual category would not be appropriate and the group's overall impact and quality merits protection. In this instance, the area of trees is a collective feature that is prominent to the landscape quality of the area and a particular feature of prominence to the entrance of Dalton. A group tree preservation order is therefore considered appropriate so that this character is maintained but the extent of the group should be reduced to exclude the trees that are not 'under threat'.

Attachments

- 5.4 A revised plan showing the extent of the Group 1 is appended to this report together with the full copy of the representations of the landowner.

6.0 CONCLUSION AND RECOMMENDATION

- 6.1 The trees at the front part of the site identified in the TPO contribute significantly to the amenity of the area and are under threat through development proposals. The trees within the reduced area of the Group 1 of TPO give a public benefit. Their retention would not preclude future proposals, which would be considered on their merits.
- 6.2 It is therefore recommended that TPO 2016/6 as amended by removing the land within the curtilage of Stepping Stones from the Order is **confirmed**.