
PROPOSED TREE PRESERVATION ORDER - LAND OFF MEYNELL ROAD

**Responsible Cabinet Member – Councillor David Lyonette
Regeneration and Planning Portfolio**

Responsible Director - Richard Alty, Director of Place

SUMMARY REPORT

Purpose of the Report

1. To consider an objection to a Tree Preservation Order that has been received in respect of land at Meynell Road

Information and Analysis

2. Local Planning Authorities have a duty under section 198 of the Town and Country Planning Act 1990 to make Tree Preservation Orders (TPOs) where they consider it expedient to do so in the interests of amenity.
3. The effect of such an Order is to prohibit the cutting down, topping, lopping, uprooting or wilful damage to trees except with the permission of the local planning authority (LPA).
4. Upon identifying a tree which the LPA considers worthy of being protected the process is that a TPO is made without delay so that the tree has immediate protection. It is then necessary for the LPA to inform the relevant landowner that a TPO has been made and to give them a period of at least 28 days to object to it being confirmed. A TPO must be confirmed within six months of being made or it ceases to have effect.
5. A TPO was made on the 30 July 2013 in relation to a Norway Maple situated on a prominent site at Meynell Road / Whessoe Road (a detailed site location plan will be displayed at the meeting).
6. An objection to the TPO has been received from the landowner and therefore a decision is required from the Planning Committee on whether or not to confirm it.

Nature of Objection

7. The objector has recently gained planning permission for a new retail unit and drive thru development adjacent to where the tree is situated. They state that the application was supported by a detailed tree survey which concluded that none of the trees on the site warranted retention. They therefore consider that the tree in question does not merit protection.
8. Notwithstanding this they confirm that they will retain the tree and that confirmation of this is shown on the approved landscaping plans for the site and they are required to abide by this plan by virtue of a planning condition.

Analysis

9. The tree has been assessed by the Council's arboricultural officer as being in a healthy condition and because of its prominent location is considered to make an important contribution to the visual amenity of the area. Whilst there is protection to the tree by virtue of the planning condition, it is nevertheless considered expedient to confirm the Order because to do so will provide additional protection to the tree from inappropriate works such as lopping and topping which could have an adverse effect on its amenity value.

Recommendation

10. That the Tree Preservation Order be confirmed.

Richard Alty
Director of Place

Background Papers

Tree Preservation Order and letter of objection

Roy Merrett : Extension 2037