

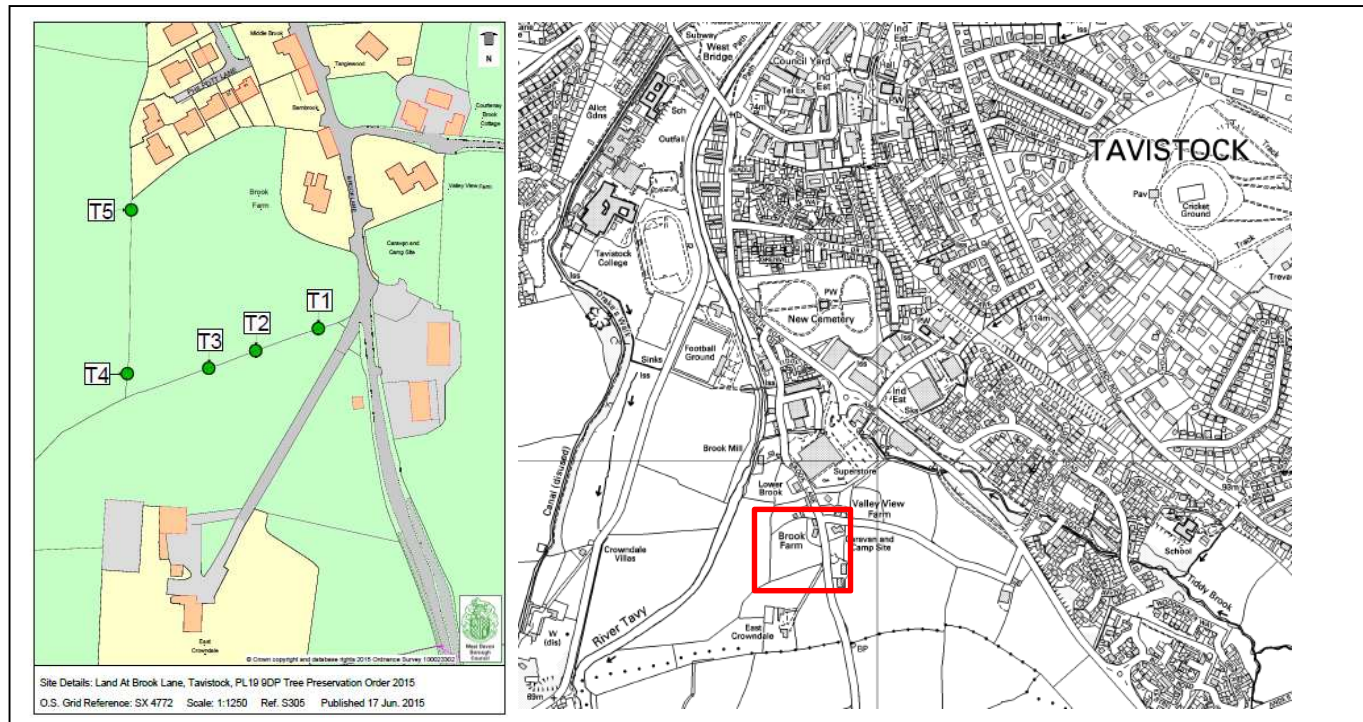
TREE PRESERVATION ORDER REPORT; TPO S305 WDBC (Land at Brook Lane, Tavistock) TPO 2015

TPO REF: S305 - West Devon Borough Council (Land at Brook Lane, Tavistock, PL19 9DP)
Tree Preservation Order 2015

LOCATION: Trees within boundary hedgerow of land adjacent to Brook Farm, Brook Lane, Tavistock

PARISH: Tavistock **WARD:** Tavistock South West

DATE TPO MADE: 24 June 2015



PROPOSAL

A provisional Tree Preservation Order (TPO) has been made on 5 (five) trees within the boundary hedgerows to the west and south of Brook Farm, Brook Lane, Tavistock

The Council has powers and duties to protect trees of significant public amenity value. These powers are in relation to Tree Preservation Orders are in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

There is currently one objection to the provisional TPO and accordingly the case has come to Committee for consideration.

RECOMMENDATION: Tree Preservation Order S305 is CONFIRMED as served.

Notifications

1. Planning Agent acting on behalf of land owner - One objection – the TPO should not be confirmed

BACKGROUND, SITE AND SURROUNDINGS

The Tree Preservation Order was served on trees within a boundary hedgerow on land next to Brook Farm. The field that the hedgerow bounds was the subject of a Planning Application 00233/2015 which sought Outline permission for the development of 23 dwellings comprising of 15 open market and 8 affordable/local needs units with associated access road, parking and external works. This application was refused on 21 July 2015; it is now at Appeal /15/3131710.

The trees have been protected in recognition of the contribution they make to screening views from adjacent open countryside to west and south, and in particular if the site should be developed in the future.

THE OBJECTION REPRESENTATIONS:

Since the Order was made and served, one formal objection has been received as follows: (A full version of the corresponding letters of objection can be seen in Appendix 1)

1. Mr E Persse of EJFP Planning, Tavistock has objected on behalf of the owner Piers Thomas Turner and those with an interest in the land Finance Solutions Limited

The full objection is contained within an email of the 21st July 2015. It is summarised as follows:

The objector's points are as follows (*in italic*) with the case officer's comments afterwards;

- 1. Removal of the trees would not have a significant detrimental impact upon public amenity because they are not particularly visible*
- 2. Trees should not only be considered on their visual presence*
- 3. The trees are not significant in the local surroundings*

The Council have assessed the trees and note the objector's points. However, in assessing the trees the Council is satisfied that they do contribute to the local character and should the site be developed in the future, the trees offer screening to the wider landscape. Officers are also satisfied that the trees would not preclude development of the field, subject to design, layout and scale.

ISSUES

A Tree Preservation Order is provisional for a period of six months to allow for any objections to be considered and accommodated if reasonable. It also gives the Local Planning Authority opportunity to rectify any errors.

The six months on TPO S305 expires on 24th December 2015 within which time the Council needs to decide whether to:

- confirm the Order as served
- not confirm the Order at all (in which case it will lapse)
- confirm the Order with modifications (e.g. removing trees)

If nothing is done by 24th December 2015, then the current Tree Preservation Order will lapse and the trees will no longer be protected.

CONCLUSION

The issue for Members to consider is the merit of protecting the five trees as scheduled in the provisional Tree Preservation Order S305.

The trees are located within field boundaries to the west of Brook Lane, Tavistock. The field has been the subject of a planning application which WDBC refused and is now currently at Appeal. The trees can be seen from the adjacent public highway.

The key support for confirming the Tree Preservation Order that they are considered important in the wider landscape for their screening should the field successfully secure planning consent in the future.

If TPO S305 is not confirmed by 24th December 2015 then it will lapse and the trees will no longer be protected.

In consideration of all the factors set out above and Government guidance, the Council recommends that Tree Preservation Order S305 is **CONFIRMED** as served.