

Item no.

Report to: **Development Control and Regulatory Panel**
Date: **14th October 2008**
Report of: **Head of Planning and Building Control Services**
Subject: **Tree Preservation Order, Dairy Farm, Littlethorpe**
Ward: **Easington Village & South Hetton**

The Site

This is on the northern side of and at the western end of the main street in Littlethorpe around the former Dairy Farm complex.

The Proposal

The purpose of this report is to request the Panel to agree to the formalising of a temporary tree preservation order made on 15th July 2008 [The District Council of Easington (Dairy Farm, Littlethorpe) Tree Preservation Order 2008] prior to its submission to the full Council for confirmation.

Site History

Over the last three years planning permissions have been granted for the development of land at the former Dairy Farm, for 6 no.detached houses with access road and landscaping. These permissions refer initially to an outline approval under application ref.no. 05/359, on 7.07.2005, followed by PLAN/2007/0054, which received approval of details for the siting of 6 detached dwellings, together with the design and external appearance thereof plus means of access and landscaping of the site, on 26.03.2007.

Planning Policy

The relevant legislation in relation to Tree Preservation Orders is principally contained in sections 198, 200 and 203 of The Town & Country Planning Act 1990. The legislation permits the Council, as Local Planning Authority, to make such Orders to preserve trees or woodlands in their area if it is considered expedient to do so in the interest of amenity of the area. The effect of such an Order makes it an offence for any person to cut down, top, lop,uproot or wilfully damage any tree subject to an Order.

Members will be aware that the Local Plan expired on 27th September 2007 and that the previously relevant policy 11 (in relation to tree preservation orders) is not a saved policy.

Consultations and Publicity

Before the temporary Order was made, representations had been made to the Council by concerned local residents at the time of the planning applications referred to above and it was then thought appropriate that a TPO should be considered.

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A draft Order was issued dated 15th July 2008 and the process around this involved notifying residents in the vicinity of the proposed TPO, however this exercise has not elicited any replies within the time scale allowed.

The views of the Councils' Countryside Officer were sought and his response was that there had been several requests from adjacent properties with regard to the amenity value that the trees offered to the local community of Littlethorpe and that there are a number of semi-mature/mature species especially along the main access road which should be protected.

It is known that there is a bat roost within Littlethorpe village and that bats will utilise the tree canopies for foraging especially with the Sycamore trees and their associated important insect population.

There are several public footpaths from this area of Littlethorpe that are used by the local population heading north to Easington and the trees contribute significantly to the amenity value of the local landscape; the wide range of mixed species provide the local area and wildlife with a habitat that enhances the locality.

Planning Considerations and Assessment

Government advice in relation to the making of Tree Preservation Orders is that they should be used to protect trees or woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public; the subject tree(s) should normally be visible from a public space, such as a road or a footpath and this is the case with the trees on this particular site.

It is relevant to assess whether or not it is expedient to make an Order. For example, even if a tree(s) was deemed worthy of preservation on amenity value, if it were under good arboricultural management then it would not normally be expedient to make an Order. Conversely, if the Council considered the subject tree(s) were under risk, possibly from development pressure, then it would be expedient to pursue an Order.

As noted above, planning applications have been submitted and approved for residential development for the site of the farm and by reason of the proximity of the trees, it would be prudent to provide the protection offered by a TPO.

Conclusion

It should be noted that a Tree Preservation Order does not stipulate that no works to trees can ever be carried out but it does require anybody who wishes to carry out any works to a tree, to submit a formal application. This gives the Council greater control over trees that are considered to provide significant visual amenity.

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Recommendation

As the necessary power to confirm Tree Preservation Orders has not been delegated to the Development Control and Regulatory Panel, the matter will need to be referred to a meeting of the District Council. In these circumstances it is recommended that the Panel resolve to urge the Council to confirm the District of Easington (Dairy Farm, Littlethorpe), Tree Preservation Order 2008.



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Head of Planning and Building Control