

DECISION

**Report to planning committee**

**COMMITTEE:** Planning Committee

**TITLE:** Town & Country Planning Act 2012  
Town & Country Planning (Trees)  
Regulations 1999  
Tree Preservation Order No.155B (2014)  
Red Gates, Haddon Lane,  
Chapel Chorlton, ST5 5JL.

**SUBMITTED BY:** Head of Operations

**1 Purpose**

- 1.1 To advise members of the Planning Committee that the above order was made using delegated powers on 26<sup>th</sup> September 2014, and to seek approval for the Order to be confirmed as made.

**2 Background**

- 2.1 The Order protects a single beech tree within the grounds of Red Gates, Haddon Lane, Chapel Chorlton.
- 2.2 The Order was made to safeguard the longer term visual amenity that the tree provides arising from concerns that it would be felled after a planning application to construct a dwelling on the plot was refused by the Councils Planning Department.

**3 Issues**

- 3.1 The tree is an early mature purple beech growing in the front garden close to the boundary with number 8. It is the only mature tree growing to the front of the properties in the immediate vicinity, is clearly visible from Haddon Lane and is a significant feature. The tree provides an important contribution to the area and its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.
- 3.2 Planning application number 13/00907/OUT was submitted in November 2013 for the erection of a new dwelling on the property. The applicant failed to demonstrate that the tree would not be affected by the proposals, resulting in concern that the tree would be lost. The application was subsequently refused. Previous applications in 2002, 2004 and 2007 for a dwelling on the site have also been refused. Although the possible loss of the tree was not given as a reason for the latest refusal, it remains a potential obstacle for any future development of the site and it is considered still to be at risk.

3.3 Your officers inspected the beech tree and carried out a TPO assessment, and found it worthy of an Order. It is considered to be in good health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was initially made and served on 10<sup>th</sup> of February 2014 in order to protect the long term well-being of the tree, however this was not confirmed within the required timescale and was re-served on 26<sup>th</sup> September 2014.

3.4 One written representation has been received from the daughter of the occupant of the adjacent property, 8 Haddon Lane, for whom she has power of attorney, objecting to the TPO on behalf of her mother. Her mother is 92 and is concerned about the proximity of the tree to her house which is within falling distance.

The owner of Red Gates has also emailed with regard to a crack in the concrete of the drive of 8 Haddon Lane, stating that if repairs are required he will contact the council to ensure that they are carried out in a way that does not harm the tree.

3.5 Your officers are of the opinion that making the Order will ensure the preservation of the beech tree and that the trees longer-term visual amenity is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the tree is generally healthy at present and is of sufficient amenity value to merit the making of a Tree Preservation Order. It is considered to be an appropriate species for the locality and to provide public amenity value due to its form and visibility from adjacent public locations. It is not considered that the proximity of the tree to the adjacent properties is such that it is likely to cause any substantial long term difficulties providing the tree is maintained in a safe condition. The making of the Order will not prevent the owner from carrying out good management of the tree and it will give the Council the opportunity to control the works and prevent unnecessary felling or lopping. The owner will be able to apply for permission to carry out maintenance work to the tree and if in the future, the tree does deteriorate in condition the owner will be able to apply for permission to carry out work which is necessary to safely manage the tree.

#### **4 Recommendation**

4.1 That Tree Preservation Order No 155B (2014), Land at Red Gates, Haddon Lane, Chapel Chorlton, ST5 5JL, be confirmed as made and that the owner of the tree be informed accordingly.