

19/00246/TORDER

Location The Maltings, Abbey Lane, Aslockton

Proposal Aslockton No.1 Tree Preservation Order 2019

Ward Cranmer

THE SITE AND SURROUNDINGS

1. The Maltings is an area of land set behind properties on the north side of Abbey Lane at the western edge of the village. The area of land is separated by a track running north to what appears to be a disused barn. To the east of the track is a paddock of rough grass that has 2 outline planning permissions for up to 6 and up to 10 dwellings, reference 18/01569/OUT and 17/02582/OUT. On the southern edge of this paddock is a small group of Pines with some deciduous trees. To the west of the track is an area of woodland.

DETAILS OF THE TREE PRESERVATION ORDER

2. The Tree Preservation Order (TPO) protects the group of trees on the land to the east of the track, and specifies 8 Pine, 10 Oak and 1 Southern Beech. It also protects all deciduous trees in the woodland to the west of the track. The TPO was made following a request from a member of the public who was particularly concerned about the woodland but as this is located within the same land ownership as the group of trees, officers considered it prudent to protect both at the same time.
3. The TPO was made on the 10th December 2019. Under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made.

Representations

4. Making a TPO allows all interested parties to object or make other written representations. The Council has received one objection to the TPO and 1 representation. The representation comes from the owner of 1 The Maltings, who doesn't object to the Order, but wanted to clarify that they may have a legal interest in part of the woodland, this doesn't affect the TPO and won't be considered further in this report.
5. The objection to the Order comes from Grace Machin Planning and Property who make the following points.
 - Using the 'TEMPO' methodology it would not be defensible to protect the group of trees and it is not expedient to protect the woodland.
 - The trees are not at threat from any development proposals as the owner intends to retain them for landscaping around the site.
 - The woodland TPO will hinder suitable good management of the woodland which is vital to maintain structure and longevity.

- The TPO schedule contains errors in the description of G1. It describes 10 Oak trees within the group, yet only 1 small oak tree (<5m tall) was within the group.
- The appropriate way to protect these trees would be through conditions imposed on any full planning permission granted, for example including conditions relating to landscaping (retention of trees) and arboricultural method statement (tree protection measures).
- Confirmation of this TPO is therefore unnecessary and unreasonable on the owner.

APPRAISAL

6. Rushcliffe doesn't use 'TEMPO' but uses its own points-based assessment that uses a similar process and allows for consistent evaluation. A comparison of the 2 assessments is shown below. The TEMPO assessment shows that the group of trees falls one short of the score which would make it defensible, the woodland part of the TPO is defensible, but the objection argues it is not expedient to make the Order, this is considered further below. The Council's assessment shows that both the group and woodland justify a TPO. Such points-based assessments are always objective, but in this case, both show that the woodland is slightly more important due to it being visible from the road leading into the village, whereas only the western part of the group is visible from Abbey Lane and the adjacent properties. Government advice on TPO's is that the future amenity value of the trees can also be taken account and in this case, it is considered that since 6 to 10 properties are likely to be constructed in the future, the amenity value of both the woodland and group will increase.

| TPO Reference | TEMPO assessment in objection. 1-6 TPO indefensible 7-11 Does not merit TPO 12-15 TPO defensible | RBC Assessment A score of 11 or more justifies a TPO |
|---------------|---|---|
| G1 | 11 | 12 |
| W1 | 12 | 13 |

7. The group of trees were shown to be retained on both planning applications, but as these are outline with all matters reserved apart from access there is a degree of uncertainty about the future layout of the site. In such circumstances a TPO can be useful, firstly it will focus the mind of any developers and contractors and help ensure the trees remain protected during construction, it can also protect trees when future occupiers move in, or if the land were to change hands which often happens following planning approval. It is expedient to protect the woodland, given that the future use of the land outside of the approved outline planning permissions is not known. Government advice is that such risks do not have to be imminent for trees to justify protection and the Council can proactively make a TPO when changes to property ownership and future intentions are not known.
8. Government advice is explicit that a woodland TPO "should not hinder beneficial woodland management." As trees mature, they increase in size and often woodlands require selective thinning. Such work is likely to be appropriate and whilst it would require an application to be made this is not considered unreasonable. Advice also states that "authorities can still encourage applications to manage the trees in ways that would benefit the woodland without making a serious impact on local amenity, for example by

making a single application for regularly repeated operations.” Such an approach would minimize the need for the applicant to apply for phased or repeat work. The need to apply to carry out work to the woodland is not considered to be unreasonably onerous and should not prevent the TPO being confirmed.

9. There is a mistake in the TPO schedule as it specifies 10 Oak trees instead of 1. Officers having had a chance to go back to the site and review the trees in more detail, it is suggested that the number of protected Pine trees is reduced from 8 to 7, this will allow the omission of a small suppressed specimen. It is also proposed that the Oak and Southern Beech are also omitted as they are not especially good quality trees and have been slightly suppressed by the larger Pines. This will allow the land owner and future occupiers of the site a little discretion on how the trees are managed, whilst protecting the larger Pine trees.
10. The approved outline applications do not require the trees to be retained and without the TPO there would be nothing to stop them being felled at any time. Planning conditions can be used to protect trees during the construction period, but they don't provide any long-term protection beyond this, whereas the TPO will continue to protect the trees should the site, or parts of it, be sold, developed or occupied. On top of this long-term protection, TPO's also allow us to condition replacements when trees need to be removed.
11. The Council's corporate strategy for 2019 to 2023 sets out 4 main priorities, one of which is the environment and the Council is keen to support new planting and protect trees through the use of TPO's. Given the Council's priorities, the fact the amenity value of the trees will increase should development take place and given the uncertainty on the future use and layout of parts of the site, it is considered the Order should be confirmed, but with the suggested modifications.

RECOMMENDATION

It is **RECOMMENDED** that the Alockton No.1 Tree Preservation Order 2019 be confirmed with the modification shown on the schedule below and attached plan.

ASLOCKTON NO.1 TREE PRESERVATION ORDER 2019

SCHEDULE - Revision A

Specification of trees

Trees specified individually (encircled in black on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
| N/A | | |

Trees specified by reference to an area (within a dotted black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
| N/A | | |

Groups of trees (within a broken black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|----------------------------------|---|
| G1 | Group consisting of 7 Pine Trees | Located on the southern boundary of the Maltings, Abbey Lane, Aslockton |

Woodlands (within a continuous black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|---|--|
| W1 | All deciduous trees of whatever species | Located on the western boundary of the Maltings, Abbey Lane, Aslockton |