



DERBY CITY COUNCIL

PLANNING CONTROL COMMITTEE
20 JULY 2006

ITEM 11

Report of the Assistant Director - Regeneration

Tree Preservation Order 2006 Number 456 Royal School for the Deaf, Ashbourne Road

RECOMMENDATION

1. To approve confirmation, without modification, Tree Preservation Order 2006 Number 456 Royal School for the Deaf, Ashbourne Road

SUPPORTING INFORMATION

- 2.1 On 7 June Derby City Council, in exercise of the powers conferred by sections 198, 201 and 203 of the Town and Country Planning Act 1990, made the above Tree Preservation Order (TPO) on trees within the grounds of the Royal School for the Deaf Ashbourne Road, as shown on the plan attached as Appendix 2.
- 2.2 The reason why the TPO was made is cited as: "The trees indicated in this Order are proposed for protection in the interests of visual public amenity. The trees are situated on land which has the potential to be re-developed. The Order is necessary to ensure that the visually significant trees which contribute materially to the amenities of the locality are taken into consideration during the potential re-development process. Trees included in the Order play an important part in providing a sense of scale and maturity and by having a general greening effect on the immediate and surrounding area."
- 2.3 A letter objecting to the TPO was received from Freeth Cartwright LLP representing the Royal School for the Deaf. A copy of the objection letter is attached as Appendix 3.
- 2.4 The main points of the Freeth Cartwright LLP objection are listed below followed by the Assistant Directors response.
- 2.5 **Objection points:** They note that a full planning application has been made on part of the site for residential development and some of the trees covered by the order would have to be removed to implement any permission granted. They note an "arboreal" study was submitted with the application "which indicates that none of the trees that will have to be removed are of importance". They note that the tree issue, including replacements, can be dealt with through the planning process and so they consider a TPO is not necessary. They thus object to the part of the Order which affects the planning application site. They consider that "none of the trees on the application site need necessarily be retained, as individually, they are of low quality and their collective importance for amenity and screening value will be replaced and enhanced through development."

- 2.6 **Assistant Director's response to points made:** The Order, as made, covers the whole grounds of the Royal School for the Deaf as an Area Order, as it understood that they have long term plans for remodelling the whole site. Given these long term aspirations it is considered that the Order for the whole site is necessary in order to control the future of trees there, through any planning application and development process, as many of the trees are of very high visual amenity.
- 2.7 The planning application for the south east area of the site is being considered at present and it is correct that a tree survey has been submitted as part of the application. This will assist in determining the application and the future of the trees, but it does not determine how they should be considered. The Order will also protect trees shown for retention in any scheme through any future demolition and development stages, if planning permission for the development is granted. Further, I can not agree that the trees here are all of "low quality" visually nor that their "their collective importance for amenity and screening" can easily be replaced as part of any replanting scheme. I consider then that the Order on the whole of the site should be confirmed in its present form.

For more information contact:	David Slinger Environment Team Leader, Tel - 01332 256001 E-mail – david.slinger@derby.gov.uk
Background papers:	Tree Preservation Orders, A Guide to the Law and Good Practice
List of appendices:	Appendix 1: Implications Appendix 2: Plan Appendix 3: letter of objection

IMPLICATIONS

Financial

1. None.

Legal

- 2.1 The Local Planning Authority must, before deciding whether to confirm the Tree Preservation Order, consider any duly made objections.
- 2.2 The Local Planning Authority may modify the Tree Preservation Order when confirming it.

Personnel

3. None directly arising.

Corporate objectives and priorities for change

4. The confirmation of Tree Preservation Order 2006 456 will support the Council's vision and priorities by contributing to the objective: "a diverse, attractive and healthy environment."