



DERBY CITY COUNCIL

PLANNING CONTROL COMMITTEE
21 OCTOBER 2010

ITEM 11

Report of the Director of Planning &
Transportation

Tree Preservation Order 2010 Number 560 (Mackworth College, Prince Charles Avenue, Mackworth, Derby)

SUMMARY

1. This report summarises and comments on an objection to a Tree Preservation Order (TPO) on various trees at Mackworth College, Prince Charles Avenue, Mackworth and recommends confirmation of the TPO without modification.

RECOMMENDATION

2. To approve confirmation, without modification, of Tree Preservation Order 2010 number 560 (Mackworth College, Prince Charles Avenue, Mackworth, Derby)

REASONS FOR RECOMMENDATION

3. In order to permanently confirm Tree Preservation Order 2010 number 560 (Mackworth College, Prince Charles Avenue, Mackworth, Derby) so as to control works to the significant trees on site, avoiding a loss of amenity value to the street scene and the immediate and wider area.

SUPPORTING INFORMATION

- 4.1 On 09 August 2010 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 Mackworth College, Prince Charles Avenue, Mackworth, Derby as shown on the plan attached as Appendix 2.
- 4.2 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 in prominent positions and can be appreciated from the immediate vicinity as well as from further afield. The trees contribute materially to the amenities of the locality by playing an important part in providing a sense of scale and maturity and by having a general greening effect on the immediate and surrounding area."

- 4.3 **A letter objecting to the TPO was received from Mr Jim Ramsay (Associate of Signet Planning acting on behalf of Derby College). A copy of the objection letter is attached as Appendix 3.**
- 4.4 Signet Planning's objections are detailed below followed by the Director's response.
- 4.5 **Objection point one:** Whilst recognising the quality and significance of the trees within the site and their contribution to the character of the site and the wider area, the need for a TPO is not considered appropriate or necessary as it is felt that all tree protection issues will be adequately addressed through the planning process.

Director's response to point one: The making of a TPO at this stage in the planning process is a standard procedure and provides a basis of common understanding that the applicant and the City Council can use in order to achieve a quality development of the site whilst providing an element of protection for the trees scheduled within the order.

Objection point two: Signet considers that the imposition of a TPO can restrict flexibility in designing the layout at detailed application/reserved matters stage particularly when considering the other considerations on site such as access constraints, relationship between dwellings, etc...

Director's response to point two: Given that the planning application is in the outline stages of the process the making of a TPO is considered appropriate as it will not restrict the progression of the planning application but will provide the applicant with an indication of which trees the Council considers to be the most significant. I refer to my previous response in that the TPO should be used as a basis from which to achieve a quality development and does not seek to block development.

OTHER OPTIONS CONSIDERED

5. The only other option considered is not to confirm the order, which would mean that significant trees on site would be left without any level of statutory protection which could lead to their removal or damage.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Service Director(s) Other(s)	
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For more information contact: Background papers: List of appendices:	Name 01332 256031 e-mail Jason.humphreys@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Location Plan Appendix 3 – Letter/s of objection Appendix 4 – Photographs
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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 arising from this report.

Equalities Impact

4. None arising from this report.

Health and Safety

5. None arising from this report.

Carbon commitment

6. Retaining trees on site would help assist, in a small way, in countering the effect of climate change by locking up carbon and countering the 'heat island' effect of rising temperatures on the city.

Value for money

7. None arising from this report.

Corporate objectives and priorities for change

8. This decision would assist in taking forward the Corporate Priority of 'Moving Derby towards a better environment'.

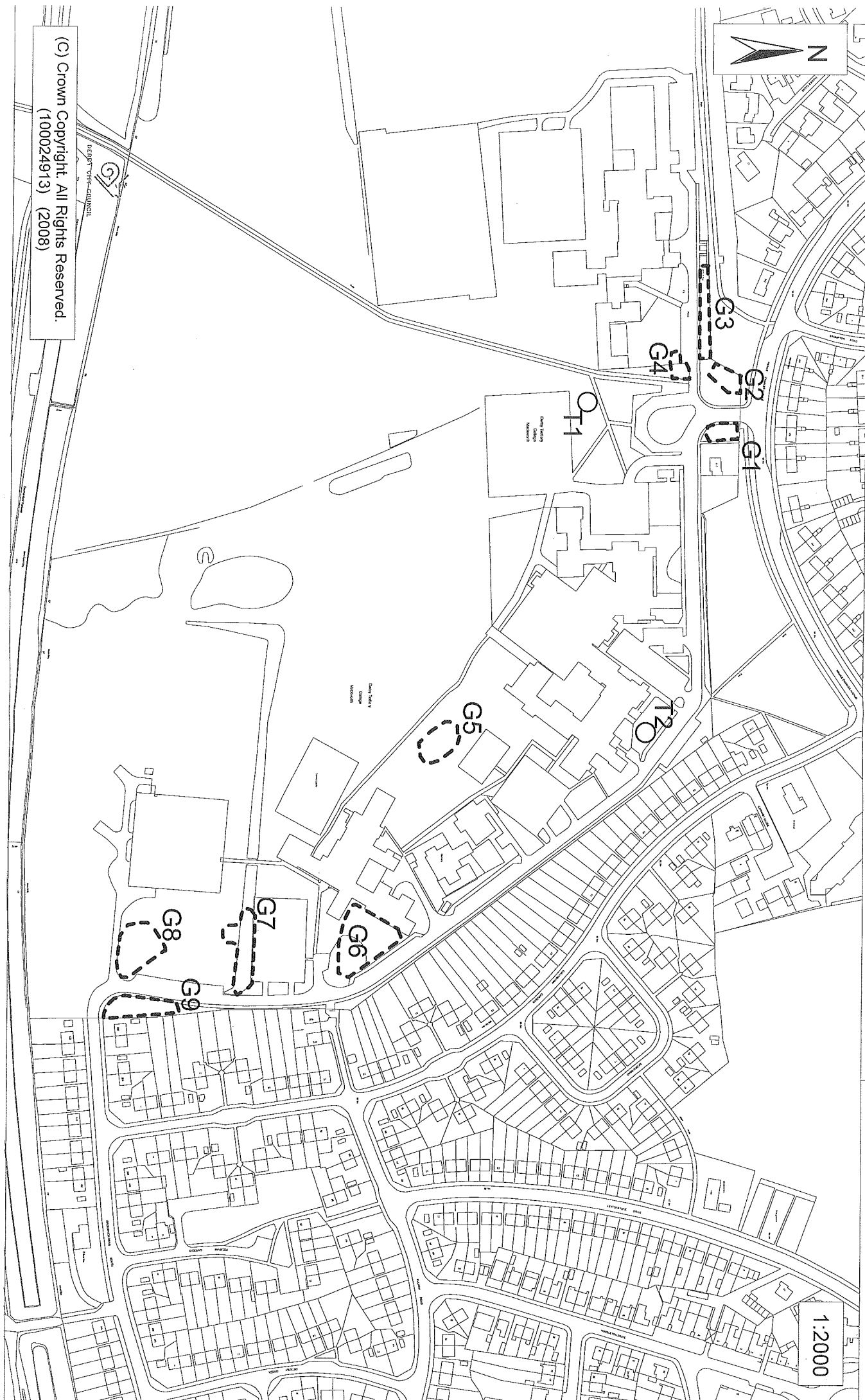


DERBY CITY COUNCIL

Tree Preservation Order 2010 Number 560

Mackworth College
Prince Charles Avenue
Mackworth
Derby

Neighbourhoods
Roman House
Friar Gate
Derby
DE1 1XB



1:2000



SIGNET PLANNING

VISION · STRATEGY · ACTION

JR/LH/HG0063

ramsayj@signetplanning.com

8 September 2010

The Tree Preservation Order Officer
Derby City Council
Natural Environment Team
Roman House
Friargate
Derby DE1 1XB

Attn Jason Humphries

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
TREE PRESERVATION ORDER 2010 NO. 560 DERBY CITY COUNCIL (MACKWORTH
COLLEGE, PRINCE CHARLES AVENUE, MACKWORTH, DERBY)**

Thank you for your letter of 9 August 2010 notifying us of the Tree Preservation Order made on the above site. As officers are aware, Signet Planning act on behalf of Derby College and this objection is made on its behalf.

The College recognise the quality and significance of any trees within the site and their contribution to the character of the site and the wider area. As you are aware, a planning permission was granted for residential development, plus a sports academy, on the site in 2006. This was subject to conditions requiring a tree survey and a landscaping scheme. The consideration of trees and their incorporation where appropriate would therefore be an essential part of the masterplan for development.

A further planning application is currently before the Council (reference 03/10/00254). This is supported by an illustrative masterplan and further tree survey information is to be submitted in support of this application.

The masterplan submitted with the planning application (drawing no. HG0063/MP01/P1) indicates the retention and enhancements of many trees on the site to be incorporated within incidental open space, recognising the significance of these trees and their importance in the local environment. However, in the context of a masterplanned redevelopment of the site, it is important that some flexibility is retained in relation to trees in order that an appropriate layout can be achieved taking into account other considerations such as access constraints, relationship between dwellings, etc.

The imposition of a TPO can restrict flexibility in designing the layout at detailed application/reserved matters stage. In this context, important trees will be taken into account through the planning application and consultation process, in particular, the provision of a tree survey and identification of the quality of individual trees, arboricultural assessment, identification of root protection areas, etc.



In this case we do not consider it is appropriate or necessary to impose a Tree Protection Order on the Prince Charles Avenue site as all tree protection issues will be adequately addressed through the planning application process.

Please do not hesitate to contact me should you require any further information.

Yours faithfully
for Signet Planning

JIM RAMSAY
Associate

