

Committee: Planning
Date Of Meeting: 13th January 2010
Title of Report: Tree Preservation Order – 2a Westcliffe Road, Southport
Report of: Andy Wallis
 Planning and Economic Regeneration Director
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This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972. (If information <u>is</u> marked exempt, the Public Interest Test must be applied and favour the exclusion of the information from the press and public).		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report: To seek approval to revoke a Tree Preservation Order

Recommendation(s): That the Committee authorise the Legal Director to make a formal order revoking the Sefton (2a Westcliffe Road, Southport) Tree Preservation Order 1985, (a “revocation order”), under Section 333 (7) of the Town and Country Planning Act 1990 and pursuant to the Town and Country Planning (trees) Regulations 1999.

Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Creating A Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs & Prosperity		✓	
4	Improving Health & Well Being		✓	
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities		✓	
7	Improving The Quality Of Council Services & Strengthening Local Democracy		✓	
8	Children & Young People		✓	

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Departments consulted in the preparation of this Report

None

List of Background Papers relied upon in the preparation of this report

The Sefton (2a Westcliffe Road, Southport) Tree Preservation Order 1985
 The Sefton (Beechfield Gardens, Westcliffe Road, Southport) Tree Preservation Order 2009

PLANNING COMMITTEE : 13 January 2010

Tree Preservation 'Revocation Order'

The Sefton (2a Westcliffe Road, Southport) Tree Preservation Order 1985.

Beechfield Gardens is a development of five apartment blocks on land formerly 2a Westcliffe Road, Southport. 'The Willows' and 'The Hollies' front onto Westcliffe Road / Lord Street West with 'The Elms' being centrally located within the site. 'The Pines' and 'The Oaks' are at the back of the site overlooking and fronting Rotten Row. The site, situated between Westcliffe Road and Rotten Row, received planning permission for redevelopment in February 1985.

In March 1985 the Planning Committee further resolved the making of a Tree Preservation Order to protect the amenity of the area, in respect of those trees to be retained at the site. The Order served to protect trees primarily around the perimeters of the development site against uncontrolled felling, although it was recognised that some element of tree removal would be necessary to accommodate the development proposals.

During the construction process and in the prevailing time since there has been a necessity for tree loss. In addition to development requirements trees have suffered through disease and decline. However, there has also been the opportunity to establish new planting. There remains however a large number of trees, diverse in species and ranging from early mature to mature in age, at the site predominantly fronting Westcliffe Road and alongside the vehicle access road, and located centrally within the development just fronting The Elms.

More recently, in 2007, an application was received to undertake tree removal and pruning works for trees adjacent to the three apartment blocks, The Elms, Pines and Oaks. In the process of assessing that proposal a number of anomalies in respect of the original Preservation Order, not previously known about, became evident where it was identified that not all of the trees believed to be protected were actually so. This primarily related to the omission of a number of very large Poplar specimen trees, together with some errors in species identification.

At that time it was felt that a number of those larger Poplar trees, identified for removal, were worthy of retention. In conjunction with the anomalies highlighted in the original Order, the Planning Authority concluded that for those trees seen as important specimens, an additional Preservation Order would be appropriate. A further temporary Order was therefore made to operate in conjunction with the original Order.

It was acknowledged in respect of Government guidelines and good advice, that it would be appropriate in the longer term to resurvey and reassess all trees at Beechfield Gardens. This would allow for a full and overall review to be undertaken, evaluating the trees current worthiness of inclusion in a new Order in keeping with present guidance and criteria for the making of Orders. This would take into account factors such as health, condition and amenity value, and enable the Authority to bring up to date the protection of trees at the whole site through the provisions of a full new TPO.

Accordingly a full re-survey was undertaken in keeping with current advice, with most trees identified individually or in groups, resulting in a new Order being issued in August of this year. The Order did not receive any objections to it and was confirmed as unopposed by Chief Officer Report.

Given the provisions of the new revised Order it is appropriate that the original 1985 Preservation Order be formally revoked.

Recommendation.

That the Committee authorise the Legal Director to make a formal order revoking the Sefton (2a Westcliffe Road, Southport) Tree Preservation Order 1985, (a "revocation order"), under Section 333 (7) of the Town and Country Planning Act 1990 and pursuant to the Town and Country Planning (trees) Regulations 1999.