

**To the Chairman and Members of the
PLANNING REGULATORY BOARD**

Date 4 JUNE 2015

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

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| 1 | Confirmation of revocation of Tree Preservation Order No 14
2010 – at Church View, 19 High Street, Whiston, Rotherham |
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ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY
BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
4th JUNE 2015

Item 1

Confirmation of revocation of Tree Preservation Order No 14 2010 – at Church View, 19 High Street, Whiston, Rotherham



RECOMMENDATION:

That Member's confirm the revocation of Tree Preservation Order No. 14 (2010) at Church View, 19 High Street, Whiston, Rotherham under Section 333(7) of the Town and Country Planning Act 1990.

Background

An order was made on 3 September 2010 (TPO No. 14 2010) following concerns from the Council's Arboriculturist in response to a section 211 notice to prune 3 trees within Whiston Conservation Area.

The Order was confirmed by Members with modification on 3 February 2011. A final confirmed order was then sent to various interested parties dated 10 February 2011.

The Council in November 2014 received an application to carry out tree works to the protected trees (ref: RB2014/1569). The application was refused as the Council's Trees and Woodlands service were not satisfied with the details submitted and the level of pruning proposed was considered excessive. On the decision notice, along with details of the refusal an informative was attached detailed the level of pruning considered appropriate and the applicant was informed that should an amended application be submitted with the level of pruning stated it would be likely to gain support.

After the issuing of the decision notice, the applicant began appeal proceedings against the decision. During this time the applicant pointed out that they considered the original TPO was invalid due to an administrative error, whereby the incorrect year had been shown on the confirmation papers. Instead of 10 February 2011, it read 10 February 2010.

On receiving this information, the Council acknowledged the error. Under section 333(7) of the Town and Country Planning Act 1990, the Council have powers to vary or revoke any such order and this report is therefore seeking Members approval to formally revoke the Order TPO No. 14 2014.

It should be noted that a new TPO (ref: No.1 2015) has been temporarily placed on the site, and a report to confirm this new Order will be presented to Members in due course.

Conclusions

In light of the administrative error on TPO No. 14 2014, it is recommended that under section 333(7) of the Town and Country Planning Act 1990 the aforementioned Order is revoked.