
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 4
DATE OF MEETING:	25 OCTOBER 2005	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	TONY YOUNG (5745)	DOC:
SUBJECT:	TREE PRESERVATION ORDER NO. 243 – LAND TO REAR OF 220 HIGH STREET NEWHALL	REF:
WARD AFFECTED:	NEWHALL AND STANTON	TERMS OF REFERENCE:DC01

1.0 Recommendations

- 1.1 That the Head of Planning Services be authorised to deal with any further representations received within the remaining consultation period in consultation with the Chair.
- 1.2 That, subject to 1.1 above, this Tree Preservation Order be confirmed without modification.

2.0 Purpose of Report

- 2.1 To consider confirmation of this Tree Preservation Order.

3.0 Detail

- 3.1 This Tree Preservation Order was made on 9th May 2005 in respect of a group of trees consisting of 8 sycamore, 2 hawthorn, 2 damson and one cherry/plum in the rear garden of 220 High Street which backs on to Priory Close. The Order was made for the following reasons:

'The trees are visible near to and far from the site, in particular from the road and properties on Tudor Way, Priory Close, Beards Road and High Street, Newhall which surround the site. The trees lie within part of the National Forest and provide a valuable contribution to the amenity and environmental quality of this urban area. An application has been received for the erection of a dwelling on this site and in view of the amenity value of the trees South Derbyshire District Council considers it expedient that this Order be made.'

3.2 In opposition to the TPO

- 3.3 The owner has requested the placing of the Order to be reconsidered. He has asked for the following points to be taken into account:-

- 'None of the trees are a protected species.'
- 'The sycamore trees at the bottom of the garden, which grow like weeds, were very small when the houses adjacent were built and are now reasonably

larger and if not removed in the next few years will affect the foundations of the property adjacent to our land, therefore we feel these trees should be removed before any problems do occur.'

- 'The two more mature trees will not be affected by this development and will remain unharmed.'
- All smaller trees planted can be easily removed.'

3.4 In support of the TPO

3.5 The comments of the Council's tree specialist to the four points are as follows:

- All trees can be protected provided they are not dead, dying or dangerous.
- In the future when the sycamores have developed then certain of them could be removed. However, currently they provide a good screen to the neighbouring property.
- There is a probability that the multi-stemmed sycamore would have a new drive around it. This compaction could kill the tree and this applies also to the cherry/plum.
- The tree planting by the previous house owner is now effective in providing good garden screening. Replanting the young trees is unnecessary, as the proposal does not have planning permission.

4.0 Planning Assessment

- 4.1 The Government's guidance on making and confirming tree preservation orders says that LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. It goes on to say that trees should normally be visible from a public place although the inclusion of other trees may be justified. The benefit may be present or future. The trees have been identified as being highly visible from public vantage points and provide visual relief in an otherwise built-up area. The trees do not appear to be adversely affecting anybody's private amenity that might outweigh their public amenity value.
- 4.2 There appears to be insufficient reason to justify the Order not being confirmed. If the Order is confirmed then the owner would have opportunity to apply for the trees to be pruned or felled if this was considered necessary at some time in the future. If such an application were refused then the applicant would have a right to appeal.

5.0 Financial Implications

5.1 None

6.0 Corporate Implications

6.1 None

7.0 Community Implications

7.1 The trees provide sufficient amenity to justify the TPO being confirmed in the public interest.

8.0 Background Papers

8.1 Tree Preservation Order 243