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<b>REPORT TO:</b>	<b>DEVELOPMENT CONTROL COMMITTEE</b>	<b>AGENDA ITEM: 5</b>
<b>DATE OF MEETING:</b>	<b>20 APRIL 2010</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>RICHARD RODGERS X5744 <a href="mailto:richard.rodgers@south-derbys.gov.uk">richard.rodgers@south-derbys.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>TREE PRESERVATION ORDER 326</b>	<b>REF:</b>
<b>WARD AFFECTED:</b>	<b>ETWALL</b>	<b>TERMS OF REFERENCE: DC01</b>

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## **1.0 Recommendations**

- 1.1 That this Tree Preservation Order be confirmed.

## **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 22 February 2010 in respect of mixed woodland on Land at Etwall Lawn, Main Street, Etwall.

The Order was made for the following reasons:

This mature woodland can be seen from Lawn Avenue (and numerous houses on Lawn Avenue / Park Way). It has high amenity value and contributes to the character of this particular area of the village and the Etwall Conservation Area. The woodland is potentially under threat from development.

In view of the amenity value of these trees and the potential threat from development, the Council considers it expedient that a Tree Preservation Order is made.

- 3.2 The TPO was made at the request of the Area Planning Officer following a planning application 9/2009/0986.
- 3.3 Comments have been received from the owner/occupier of No. 29 Lawn Avenue, Etwall stating:

- The trees are very close to boundaries of properties on Lawn Avenue. They are not really suitable for this environment as they grow very tall and shed needles, and cones when windy.

- Branches (some up to 6ft in length) have fallen into the garden area of No 29 and narrowly missed the garage window. Needles also block up the gutters and lie thickly on the garage roof.
- Attempts have been made to contact the owner of the trees but to no avail. If the trees are not allowed to be maintained in the future there is a possibility of damage being caused to nearby properties.

3.4 In answer to the comments made officers have the following comments:

- The order does not stop the necessary maintenance of trees. It does though control the degree of maintenance through a non-fee based application.
- Most trees shed leaves, needles, fruit, cones etc at some point seasonally, throughout their life. Branches will fall off unless some regular maintenance is carried out.
- To fell trees because they drop needles and cones is not a sufficient reason to stop this order.
- The trees are healthy. They have amenity value; due to their height they are visible from the public arena and have wildlife amenity value. The trees support a good variety of insects and garden birds.

#### **4.0 Planning Assessment**

4.1 It is expedient in the interests of amenity to make this woodland the subject of a tree preservation order.

#### **5.0 Conclusions**

5.1 It is expedient in the interests of amenity to preserve.

#### **6.0 Financial Implications**

6.1 None.

#### **7.0 Corporate Implications**

7.1 None.

#### **8.0 Community Implications**

8.1 None.

#### **9.0 Background Implications**

9.1 22 February 2010 Tree Preservation Order.

9.2 5 March 2010 letter from occupier of No.29 Lawn Avenue, Etwall DE65 6JB