
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM:	10
DATE OF MEETING:	18 June 2002	CATEGORY:	DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN	
MEMBERS' CONTACT POINT:	TONY YOUNG (5745)	DOC:	
SUBJECT:	TREE PRESERVATION ORDER NO. 191 – REAR GARDEN OF VINE COTTAGE, 6 TRENT LANE, NEWTON SOLNEY	REF:	
WARD AFFECTED:	REPTON	TERMS OF REFERENCE:	DC01

1.0 Recommendations

- 1.1 That 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 20 December 2001 in respect of a group of 10 birch trees on garden land at the rear of Vine Cottage, 6 Trent Lane, Newton Solney, as indicated on the plan attached as Annex 'A'. The Order was made for the following reasons:

This group of mature birch trees is particularly visible from Trent Lane and Hollies Close and provides an attractive backdrop, which enhances the appearance of the Newton Solney Conservation Area. A Section 211 notice to fell four of the trees was submitted and in view of the group's amenity value, South Derbyshire District Council considers it expedient that this Order be made.

- 3.2 An adjoining neighbour on Hollies Close in response to notification of the TPO has written requesting that some of the trees be allowed to be cut down. His reasons for this are summarised as follows:

- They are near his boundary fence and getting bigger all the time.
- The branches of one of the trees are starting to grow through his tree.
- There are too many large trees for the garden.
- The roots will be pushing through his fence.
- The tallest tree could fall over and strike his house.
- The trees will eventually affect the light to his house.

3.3 The Council's tree specialist has responded to the neighbours concerns which are summarised as follows:

- The birches form a fine group of trees the nearest being some 12m from the neighbours rear conservatory and are not causing any obvious problems.
- Birch is a very wind firm tree and rarely blows over. They can grow on high ground and are wind tolerant.
- Loss of light is not a valid reason for removing this type of tree. They are light in their foliage pattern and in the winter drop their leaves. These are not, for example, like the light draining Leyland Cypress
- There is one branch from a birch growing through a laburnum tree. This is not a sufficient reason to fell the birch and the branch could be pruned following an application.

4.0 Planning Assessment

4.1 This group of birches is visible from Trent Lane and Hollies Court and is within the Newton Solney Conservation Area. The trees provide an attractive backdrop and have sufficient amenity value to be worthy of Tree Preservation Order status. There is no evidence that the trees are causing damage to buildings and they are not causing an unacceptable loss of light to the living rooms and garden of the neighbouring dwelling. It is considered that the Order should be confirmed without modification to safeguard the amenities of the area.

5.0 Financial Implications

5.1 None

6.0 Corporate Implications

6.1 None

7.0 Community Implications

7.1 None

8.0 Background Papers

8.1 Tree Preservation Order
8 Jan 2002 letter from neighbour