
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING	24th April 2007	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	KIM PARKES 595982	DOC:
SUBJECT:	TREE PRESERVATION ORDER 271	REF:
WARD AFFECTED:	REPTON	TERMS OF REFERENCE: DCO1

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 17th November 2006 in respect of a group preservation order at 10 Burton Road, Repton.

The Order was made for the following reasons:

'The trees are located within the rear garden of 10 Burton Road, which is a listed building. The large trees on the garden boundary site are visible from public vantage points and make a positive contribution to Repton Conservation Area and these along with the informal scattering of fruit trees within the garden provide a positive contribution to the setting and ambience of the thatched cottage listed building. The Local Planning Authority has been informed with the owner that they would like to use the rear garden as a temporary builders compound which would require the removal of the fruit trees and also likely to cause undue impact on the root zone of the large trees. In view of the amenity value of these trees the South Derbyshire District Council Consider it expedient that the order is made.'

- 3.2 The TPO was made at the request of the Area Planning Officer.

- 3.3 Comments have been received from The Bursars Office at Repton School.

1. It is inappropriate and unnecessary to put a TPO on all trees listed
2. Several are probably self sown and do not make a positive contribution to the area
3. Some are too far from the listed building for reasonable person to conclude that they make significant contribution to the setting of the listed building
4. The small fruit trees do not make a significant contribution to the setting of the listed building

5. Some of the trees have a diameter of 8 centimetres or less measure 1.3 metre from the ground
6. One of the trees listed is dead so surely cannot be protected
7. It is unreasonable to make reference to the possibility of the garden being used as temporary builders compound. It is reasonable for you to express concerns of compaction but likely to cause undue impact on the root zone of the trees has not been substantiated.
8. There is no need for TPO as the trees are within the Conservation Area of Repton

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

1. Many trees are self-sown and this does not deem them unworthy of preservation.
2. The tree expert feels that the original reason for making the order is still correct and that that the trees are still in the garden of the Listed building.
3. The tree expert feels that the fruit trees do make a significant contribution to the setting of the Listed building.
4. There are no restrictions on the size of Preserved trees, therefore it is suitable for all trees to have been contained within the group order.
5. If a tree within the group order is dead then this can be reported to the authority and once confirmed by a tree expert be removed without the need of an application.
 - ❑ The tree expert and Area Planning Officer do not consider it inappropriate to refer to the rear garden being used as a builders compound and therefore possible risk to some of the trees as this is a possibility. The tree expert also does not agree that it is not substantiated to say it is 'likely to cause undue impact on the root zone of the large trees' as this is possible in his opinion.
 - ❑ TPOs place extra protection upon worthy trees that may or may not fall within Conservation Area's. It is quite acceptable to do this.

4.0 Planning Assessment

- 4.1 It is expedient in the interests of amenity to make these trees subject to a Tree Preservation Order. There was a possible threat of a building compound upon the land on which the trees stand.

5.0 Conclusions

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

6.0 Financial Implications

- 6.1 None.

7.0 Community Implications

- 7.1 The protection of the trees is in the interest of the wider community.

8.0 Background Implications

- 8.1 17 November 2006 Tree Preservation Order
- 8.2 12 January 2007 letter from Mr & Mrs Elliott