
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	15 January 2008	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN
MEMBERS' CONTACT POINT:	NICKY TOON Ext: 5926	DOC:
SUBJECT:	TREE PRESERVATION ORDER 288 Land at Majolica Mews, High Street, Woodville	REF: TPO 288
WARD AFFECTED:	Woodville	TERMS OF REFERENCE: DC01

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 7 September 2007 in respect of a group of trees consisting of 5 eucalyptus, 1 sycamore and 1 birch at Majolica Mews, High Street, Woodville.

The trees are situated on an area of landscaped open space permitted as part of the adjacent residential development which has been the subject of three planning appeals, one ongoing.

The order was made for the following reason:

“This group of young trees are in a highly visible and busy roadside location in the centre of Woodville and provide visual relief in an otherwise densely built-up area. An application has been made to develop the site, which would result in the loss of the majority of the trees, and therefore in view of the groups amenity value South Derbyshire District Council considers it expedient that this order is made”

- 3.2 A letter of objection has been received from the applicant's agent raising the following points:

- The trees that are the subject of the order are insignificant in public importance and when compared with other trees in the immediate locality which are not the subject of a TPO and are therefore not worthy of preservation.

- The Council has exceeded its powers as it is only empowered to make a Tree Preservation Order in circumstances where their removal would have a significant impact on the amenity of the local environment and its enjoyment by the public.
- The trees are insignificant in comparison with trees which previously fronted an adjoining development (the former Bowen site) which have been lost to development without being preserved.
- The Council is acting inconsistently in making the order on trees of this nature and as such is being prejudicial to the landowner.
- The land has been the subject of two planning applications and appeals prior to the making of the Order during which time the trees were under threat.
- The trees are not suitable for their habitat. There is potential for these trees to become very large and totally unsuited to the close proximity of the buildings which abut the land.

3.3 In answer to the comments made the Council's landscape architect has the following comments:

- 'Tree Preservation Orders – A Guide to the Law and Good Practice' (2000) states that there is the power for Local Authorities to TPO trees that have benefit now or in the future. These are young sapling, small trees that will increase in importance in the future. The guidance does not define the size of trees that merit a TPO. This area of landscaping, which is in a visually prominent position adjacent to the main road, already provides some visual relief in an area of dense housing and will become more prominent as the trees mature. The Local Planning Authority has considered the making of the TPO in relation to the relevant guidelines and is of the opinion that the site is of public significance and that the young new trees contribute to the amenity of the area.
- The TPO site forms an area of landscaped open space permitted as part of the adjacent residential development. The Council has valid reason to protect this group of trees that are under threat from development.
- The site has been subject to two previous planning applications for a dwelling both refused on highway grounds and subsequently appealed. The first appeal was dismissed on highway safety grounds whilst the second was dismissed due to the harm created by loss of an amenity area in a prominent location in an area of relatively high-density housing. A third application was refused by the Authority in September 2007 by reason of loss of open space and trees which make a valuable contribution to the amenity of the area and is the subject of a current appeal. In view of the persistent threat to the trees a TPO was considered necessary in order to protect the increasing prominence and amenity value of the trees.
- Eucalyptus is a fast growing evergreen. The tree has been used in the UK for over 150 years and is used for its rapid growth. The tree is common to the Midlands. The other trees, a birch and a sycamore, are two species which will flourish on all sites as long as they are not waterlogged.

4.0 Planning Assessment

- 4.1 It is expedient in the interests of amenity to make these trees the subject of a Tree Preservation Order. The trees are in a prominent position fronting the High Street and provide a landscaped visual relief in an otherwise densely built-up area within the National Forest.

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 Background Implications

Tree Preservation Order 288
Letter 23 October 2007