

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	19 SEPTEMBER 2023	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	JULIE MARSON (07977429109) julie.marson@southderbyshire.gov.uk	DOC:
SUBJECT:	PROPOSED TREE PRESERVATION ORDER 552 - 1-3 HOLDEN HOUSE, CANAL BANK, SHARDLOW	REF:
WARD(S) AFFECTED:	ASTON	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That this tree preservation order should be confirmed.

2.0 Purpose of Report

2.1 To consider confirmation of this tree preservation order (TPO).

3.0 Detail

3.1 This tree preservation order was made on 28th March 2023 in respect of two yew trees situated on the land at 1-3 Holden House, Canal Bank, Shardlow. The two trees are prominent from London Road, Shardlow.

3.2 The TPO was made following contact to remove the two yew trees and an ash tree under DMOT/2022/1032.

3.3 One letter of objection has been received through consultation on the making of the TPO stating:

- We requested for the removal of the two yew trees and damaged ash tree. It is considered that the sticky yew berries fall heavily in September through to February/March. As well with the yew tree needles fall with all the autumn leaves results in slippery surface for ourselves and customers. The berries also stick to footwear and on the windscreens of cars of customers and can only be cleaned by professional valet. Customers could potentially not return in future due to the car park problems.
- The two yew trees have significantly damaged the Grade II Listed outbuilding and the adjacent storage garage concrete flooring. They are also compromising the stability of the supporting wall structures and both roofs, posing a significant danger to both buildings potentially collapsing at any point in the future. Access to the garage daily and is considered dangerous. The roots of the yew trees are making it dangerous when accessing the outbuildings.

- We would like to restore the Grade II listed outbuilding to its former glory, but due to root issues and with the location of two yew trees unable to consider this while in situ.
- Felling of Ash tree due to be unsafe due to top branches breaking, but still hanging onto main tree trunk.

3.4 In answer to the comments made SDDC Tree Officers have the following response:

- Officers have attended site and it is considered that the driveway is not a hard type and is predominately a gravel and pebble surface. The Berries falling are of a seasonal inconvenience and cannot be labelled a slip hazard on the loose surface.
- The nearby building to the yew tree is in disrepair and any branches touching the brickwork or roof could easily be pruned. Direct damage is improbable and indirect damage highly unlikely due to the alluvial gravel subsoils and to this date any damage is unsubstantiated.
- In relation to wanting to restore the Grade II Listed outbuilding to its former glory, this has not been a consideration with the tree applications submitted. This would need to be considered as a separate planning application, due to the tree application being submitted under a 211 Notification. This is for works to trees within a conservation area and the main issues central to the determination of this application is whether the proposed works are appropriate, given the conservation area, situation and whether public amenity offer is compromised, to the point where a Tree Preservation Order is required.
- Under this application the Tree Officer has completed a Tempo (Tree Evaluation Method for Preservation Orders), which assess whether trees are worthy of a TPO. Under this method the trees have a score of 18 which means that they merit protection by way of a TPO.
- In respect of the felling of the Ash tree (safety concern). There is no objection to its removal.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make the trees the subject of a tree preservation order in accordance with advice set out in the Government's Planning Practice Guidance.

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 Protecting visually important trees contributes towards the Corporate Plan theme of Sustainable Development.

8.0 Community Implications

8.1 Trees that are protected for their good visual amenity value enhance the environment and character of an area and therefore are of community benefit for existing and future

residents helping to achieve the vision for the Vibrant Communities theme of the Sustainable Community Strategy.