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<b>REPORT TO:</b>	<b>DEVELOPMENT CONTROL COMMITTEE</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>4 MARCH 2008</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KIM PARKES</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>TREE PRESERVATION ORDER 294- THE WALNUTS, MAIN STREET, ETWALL</b>	<b>REF: TPO 294</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 19<sup>th</sup> October 2007 in respect of one Ash Tree.

The Order was made for the following reason:

'The ash tree is highly visible from Main Street and a number of neighbouring properties and has a high amenity value. The Ash tree is under threat from a current planning application to fell the tree. The Council considers it expedient that this order is made to retain the tree as an amenity feature.'

3.2 Comments have been received from an occupier of Walnut Cottage stating that;

- The Planning Officer commented that the ash tree was 'not appropriate' in a garden and especially so close to the house.
- TPO's appear to be selective and inconsistent.
- Neighbouring development has hindered the protection of trees and conditions have been ignored.
- The Council notice informing neighbours about the intent to place a TPO on the ash tree did not result in any responses and therefore cannot reasonably be claimed to have a high amenity value.
- The tree may result in damage to the property.

Comments have also been received from the occupier of No. Mill Green stating that she believes that the fallen fruit from the plum tree is a danger to the general public.

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

- No Planning Officer has made any comment on the site that would preclude the protection of any trees.
- The merits of a tree for preservation often comes to the attention of the Council only when threatened by development or a notice is received for works to a tree within a conservation area. It would be unrealistic to assume that all trees within the district could be investigated as a matter of course due to limited resources. This has no bearing on the relevance of this order. Each case is judged individually on its merits.
- The Council notice is intended to inform surrounding properties of the protection of the tree and it is often case that people only write to comment should they object. Therefore it is unfounded to claim that for this reason the tree does not have a high amenity value.
- Tree roots will not break into solid drainpipes it is only when the pipes are leaking that this may happen. This is not a tree problem but a problem with the drainage.

#### **4.0 Planning Assessment**

4.1 It is expedient in the interests of amenity to make this tree the subject of a Tree Preservation Order as the tree is subject to a Planning application and is thus under threat. The tree is of high amenity value and can be seen from public vantage points.

#### **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 Tree Preservation Order 294.

9.2 Letter 26<sup>th</sup> November.