

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	09 FEBRUARY 2015	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	KIM PARKES (01283) 595982 kim.parkes@south-derbys.gov.uk	DOC:
SUBJECT:	PROPOSED TREE PRESERVATION ORDER 407 AT LAND TO THE SOUTH OF 43 REPTON ROAD, HARTSHORNE	REF:
WARD(S) AFFECTED:	WOODVILLE	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That this Tree Preservation Order (TPO) be confirmed without modification.

2.0 Purpose of Report

2.1 To consider confirmation of this TPO.

3.0 Detail

3.1 This TPO was made on 14 August 2015 in respect of individual and groups of trees to the South of Repton Road, Hartshorne.

3.2 The TPO was made at the request of the Council's Tree Officer and Planning Officer following a planning application (9/2015/0561) for the erection of a housing development in this location. It was considered that the existing trees, of mature and semi-mature age, are individually and collectively of high amenity value which dominate the environs of the area and form a key component of the settlement in this location, particularly when viewed from the public footpath to the south. The Council considers that the trees are under potential threat from felling to facilitate the detailed design of any development permitted, and it therefore considers it expedient that a tree preservation order was made.

3.3 Comments relating to the proposed Order have been received and the key points are summarised as:

- The tree identified as T1 is considered by the occupants of no.45 Repton road to be a potential threat to their home. The tree drops seeds at certain times of the year.
- The trees are too large to be garden trees for residential properties.
- The trees have currently caused damage to existing neighbouring properties.

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

- The tree is large but can be suitably pruned to be of a more suitable size for its location, should an application be submitted to this Council.
- Careful consideration would be given to the positioning of any proposed housing in relation to the protected trees.
- There has been no evidence of the alleged damage submitted. An application for suitable works with evidence of any damage would be considered.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make the tree the subject of a TPO.

5.0 Conclusions

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

6.0 Financial Implications

6.1 Notwithstanding the above representation, the responsibility for trees and their condition remain with the landowner. The Council would only be open to a claim for compensation if an application to refuse works to the TPO was made and subsequently refused, and liability for a particular event or occurrence could be demonstrated.

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.

9.0 Background Information

- a. 14 August 2015 Tree Preservation Order
- b. 4th September 2015 – Letter from Mr & Mrs Insley
- c. 14th September 2015 – Letter from Mr T Smith