REPORT TO:	**DEVELOPMENT CONTROL COMMITTEE**	**AGENDA ITEM:**
DATE OF MEETING	**4 NOVEMBER 2008**	**CATEGORY: DELEGATED**
REPORT FROM:	**DIRECTOR OF COMMUNITY SERVICES**	**OPEN**
MEMBERS' CONTACT POINT:	**KIM DORAN-PARKES EXT: 5982**	**DOC:**
SUBJECT:	**TREE PRESERVATION ORDER 307**	**REF:**
WARD AFFECTED:	**ASTON**	**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 25 July 2008 in respect of four individual trees at Millstones, Millfield, Shardlow.

The Order was made for the following reasons:
'These trees make a valuable contribution to the visual amenity of the area, being visible from several adjacent properties and from public space. They also have a valuable contribution to the historic setting of the Conservation area. In addition the Monkey Puzzle tree is a particularly rare historic species. The trees are subject of a notification to undertake extensive works under planning application 9/2008/0622 and are thus under threat. The Council considers therefore that the making of the order is necessary to protect the high amenity value of these trees.'

3.2 The TPO was made due to the trees being under threat.

3.3 Comments have been received from occupants of neighbouring properties:

- The occupiers of Millstones are attempting to improve the appearance of the property as there are a number of overgrown untidy and deceased trees.
- The trees in questions are overgrown, interfere with the telephone and represent danger should they fall.
- The trees are not of high amenity has they are screened by a hedge.
- There are an ample number of trees already in the village and it was not felt that their loss would impact adversely upon the appearance of the area. Their loss would probably improve the appearance of Wilne Lane as it would appear more open.

3.4 In answer to the comments made this Council has the following comments to make:

- All trees, even Leyland, are protected within a conservation area and the applicant had felled mature protected trees prior to the submission of this application.
- It is not the intention of this Council to stop all works to these trees but to ensure that worthy trees are protected and correctly maintained if necessary. Consultation with our tree expert should take place in order to assess possible works to protected trees. This would then improve the appearance of overgrown trees and any adverse affect they are having upon telephone lines.
- The trees are of a high amenity value and can be seen from public vantage points.
- Even though there are significant numbers of trees elsewhere in the village this is not justification to lose other trees of quality and a high amenity value.

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 proposed felling under planning reference 9/2008/0930.

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 Documents.

8.1 31st July 2008 Tree Preservation Order
8.2 24th September 2008 letter from Mrs Breakwell
8.3 12th August 2008 Letter from Mrs Snow