

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	19th DECEMBER 2017	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	TOM BEARDSMORE (01283) 595821 THOMAS.BEARDSMORE@SOUTH-DERBYS.GOV.UK	DOC:
SUBJECT:	TREE PRESERVATION ORDER 476 AT MELBOURNE SENIOR CITIZENS CENTRE, CHURCH STREET, MELBOURNE	REF: TPO476
WARD(S) AFFECTED:	MELBOURNE	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 The preservation order was made on 19th September 2017 and covers a single Goat Willow Tree located within a grassed area to the front of Melbourne Senior Citizens Centre, Church Street.

3.2 The TPO was made in order to protect the feature (as far as possible) and such the local character following receipt of a notification of works to a tree within the conservation area (9/2017/0862), felling of the tree was proposed.

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

- The tree's crown is large and overhangs a large area, which causes a reduction in light to the paved area to the front of the centre.
- Concerns over branches falling off the tree in high winds and damaging nearby properties.
- The footpath accessed via a gate from church street, which leads up to the front of the centre has become unusable due to the roots raising the slabs results in the surface becoming uneven. One centre user fell over on the uneven path.
- Leaves and droppings from the tree cause the footpath surface to become hazardous to users of the centre, they also cause problems for surrounding properties resulting in them not being able to open windows/doors at certain times of the year.

- The white droppings that shed from the tree are a respiratory concern for customers of The Bluebell Inn.
- The uneven path, lack of light and surfaces becoming slippery has had a detrimental effect on the ability to hire out the centre as access is not considered safe during certain times of the year.
- The tree is too large for its location, the branches have resulted in damage to the roof of neighbouring property The Bluebell Inn, and the roots are also damaging the dividing wall.
- The tree is out of place in an area of relatively high building density.
- The tree is competing for space with a Copper Beech Tree, which will be negatively impacted as a result; the beech tree has a much greater life expectancy and is of higher value.
- The tree does not add any contribution to the visual amenity of the area, with the area already well served with trees and shrubbery.
- Characteristic of Goat Willow trees are that they split and divide which means the destructive impact of the tree in such a small area is significant.
- Goat Willow Trees do not have an attractive shape, they are common and this particular tree is of no value.

3.4 In response, officers have the following response:

- Issues that are caused as a result of the trees branches, including shading and potential damage to The Bluebell Inn could be resolved by re-pollarding the tree, reducing its height and size.
- Concerns in regards to the trees roots raising the slabs and becoming hazardous could be resolved by the footpath being re-laid.
- Excessive seed drop is a liability issue and is not felt to be sufficient reason to dismiss a preservation order, re-pollarding of the tree would also reduce this.
- The tree is in a very prominent location along Church Street, a main access road into the village, it is considered that if it was not given protection and it was to be felled, the character of the area would be negatively impacted as a result of its loss, as it provides a strong green feature within a well built up area.

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 the tree.

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 high 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. 19 September 2017 - Tree Preservation Order
- b. 17 October 2017 - Letter from Ben Minns, Fisher German (agent for the trustees of the Melbourne Trust) with attached letters from:
 - Karen Grewcock – Assistant Treasurer at Melbourne Senior Citizens Centre
 - Sharown Brown – Local resident and festival director on behalf of Melbourne Festival
 - Cassandra Loahe – Local resident
 - Sandra Blackley – Manager at The Blue Bell Inn
- c. 14 November 2017 – Email from Jacqui Storer – Clerk to Melbourne Parish Council
- d. 28 November 2017 – Email from Councillor Jim Hewlett