

---

---

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 4</b>
<b>DATE OF MEETING:</b>	<b>27 AUGUST 2013</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>RICHARD RODGERS (ext. 5744)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>TREE PRESERVATION ORDER 371</b>	<b>REF:</b>
<b>WARD AFFECTED:</b>	<b>ASTON</b>	<b>TERMS OF REFERENCE: DC01</b>

---

---

## **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 (TPO371).

## **3.0 Detail**

3.1 This Order was made on 14<sup>th</sup> June 2013 in respect of a beech tree situated in the rear garden space at Wengen, Woodshop Lane, Swarkestone.

3.2 The TPO was made following a recent notification to fell (see 9/2013/0350 TC). The tree is seen to contribute to the visual amenity of the conservation area, well seen from a number of residencies in the locality. The tree is young and will continue to grow, providing a continued level of amenity to those properties and the wider area. To protect that amenity value a temporary order was made.

3.3 5 separate comments relating to the proposed Order have been received and are summarised below:

### Objections

- About 4 years ago consent was granted to remove all the beech trees here. It is not understood what has changed in those 4 years that now makes its felling unacceptable.
- It makes generates a lot of clearing up and if the tree is for the benefit of everyone then someone (including the council) should contribute to this clearing up.
- The tree can only be seen from the curtilage of the Crewe and Harper in the winter months when there are no leaves on the trees. Its amenity value at that time is therefore limited.

- The tree blocks immediate outlook and the tree limits light to garden room.
- If the tree continues to grow its roots could damage the nearby walls or even the house.
- A large amount of leaves fall into the neighbouring garden (site adjacent to Wengen). These do not decay and require clearing up. The elderly occupant cannot do this and has to employ someone to do this work.
- Due to its proximity, the leaves fall into and block gutters; this has incurred further expense.
- Television signal is adversely affected by the close proximity of the tree.
- The tree can only be seen from rear gardens of nearby properties and not from the road or from the Crewe and Harper.
- The most sensible solution would be to fell the tree and plant something with a much less growth potential.
- This Order is hardly consistent with other tree related decisions taken in the area.

#### In support of the TPO

- The tree is healthy and a positive asset to the conservation area.
- The tree is of great value to the neighbourhood. It would be a great loss if felled.
- It provides a valuable screen between neighbouring properties.
- It is understood that the tree is in good health and is not yet fully mature. No reason has been given for its proposed felling.
- A TPO is necessary as a willow tree was removed previously without the relevant permission

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

- Permission was allowed back in 2010 for works to trees here involving some felling and some pruning. Since those approved works, this beech tree has matured into a fine specimen which contributes positively (especially when in leaf) to the immediate area and consequently contributes positively to the character of the wider conservation area.
- Trees should not be felled primarily because they drop leaves. The 'tidying' works are seasonal and do not outweigh the amenity value afforded here. To fell trees because they drop leaves would form the blueprint for a desolate environment.
- Trees enhance the environment and character of an area and therefore are of community benefit helping to achieve the Council's vision for the Vibrant Communities theme of the Sustainable Community Strategy.
- The order does not stop the necessary maintenance of trees or override conflict with nearby built forms. Assessment of its impact on built forms can be made through a non-fee based application supported by an independent arborist or building surveyors report.
- All other issues raised are long standing concerns and not a concern exacerbated by relative short time this tree has become protected.

#### **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. Although the tree causes some inconvenience and loss of light to householders these are not such a degree as to outweigh the public amenity value of the tree in this instance.

#### **5.0 Conclusions**

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

#### **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.

#### **9.0 Background Information**

9.1 14 June 2013 Tree Preservation Order

9.2 8 July 2013 - Correspondence from Mr Bayliss (owner of tree). Letters have also been received from the owners/occupiers of The Poplars, Corraithe, Morningside and Brynmar.