

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 7
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 410 AT LAND AT KINGS NEWTON BOWLS CLUB, PACKHORSE ROAD, MELBOURNE	REF:
WARD(S) AFFECTED:	MELBOURNE	TERMS OF REFERENCE: PL01

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 2 September 2015 in respect of two Oak trees at Kings Newton Bowls Club, Melbourne.
- 3.2 The TPO was made at the request of the Council's Tree Officer and Planning Officer following an application for a residential development on bounding land which was approved under planning reference 9/2014/0417. The canopies of the trees overhang the adjoining development site and there is thus a high probability that the occupiers of the new dwellings will seek to undertake tree works. The manner in which tree works are undertaken can have profound implications for the high amenity value of the trees, therefore a tree application was considered expedient in order to have control over this.
- 3.3 Comments relating to the proposed Order have been received and are summarised as:
- The trees would require regular pruning in order to prevent shielding of floodlights and in order to maintain the high quality bowling green and carpark area.
 - Oak tree no.2 has limited views and should therefore not be protected by a tree preservation order.

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

- Oak trees are slow growing and it would not usually be necessary for more than one application for pruning works every two years. An application for suitable pruning works to mitigate all issues is likely to be accepted as long as the works are not detrimental to the health of the tree.
- Both Oak trees are considered to have high amenity value from public footpaths and public highways and are in good health and are visually pleasing.

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. 5 September 2015 Tree Preservation Order
- b. 29th September 2015 – Letter from Kings Newton Bowls Club
- c. 28th September 2015 – Letter of Objection from fpcr