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<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 5</b>
<b>DATE OF MEETING:</b>	<b>26 June 2012</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF OPERATIONS</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 361</b>	<b>REF:</b>
<b>WARD AFFECTED:</b>	<b>MELBOURNE</b>	<b>TERMS OF REFERENCE: PL01</b>

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## **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 (TPO).

## **3.0 Detail**

3.1 This TPO was made on 3rd May 2012 in respect of two silver birch trees at The Mews, Potter Street, Melbourne.

3.2 The TPO was made at the request of the Council's Tree Officer. The trees lie in the Melbourne Conservation Area and as such a notice to carry out works to the one of these trees had been received. He considered the works to be unnecessary and therefore a temporary order was made. The trees are companion trees and have a high degree of amenity and contribute positively to the character of the Melbourne Conservation Area.

3.3 Three letters relating to the proposed Order have been received. One is a letter of support, the two letters of objection are summarised below:-

- The trees are large and have in effect outgrown their location. They will continue to grow as they seek additional light;
- Silver birches have a relatively short life. These trees will become troublesome in the comparatively near future, needing professional attention.
- Whilst acknowledging the trees add something to The Mews, they pose a potential structural threat to nearby homes, should they blow down.
- Concern about liability for damage. The Mews Residents Association therefore ask that that the Council take responsibility for any liability.
- The TPO should be revoked. Any future works to the trees can be controlled through the existing Conservation Area regulations.

- The trees could be replaced with smaller fruit trees more appropriate to the location.

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

- Direct damage to foundations is highly unlikely. Indirect damage caused by soil shrinkage when the seasonal uptake of water occurs, is only a concern when the sub-soil is highly shrinkable and the tree is within the 'Zone of Influence'. Birch trees are classed as low water demand (see NHBC Standards 2010)
- Unless the roots have been damaged Birch trees tend to remain fairly stable with a higher probability to 'snap' than uproot. These particular trees are semi mature and in good health and are not in an exposed location being within a closely built mews.
- The legislation recognises that where trees in conservation areas require preservation and protection, they should be the subject of a tree preservation order. This does not mean that the Council will never be able to grant permission for justifiable works. In the event that the occupiers determine that they wish to carry out works to the trees, even if an application is refused there is the right of appeal to the Secretary of State.

#### **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.

#### **5.0 Conclusions**

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

#### **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 3 May 2012 Tree Preservation Order

9.2 Relevant letters referred to from neighbours.