

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	04 APRIL 2016	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 419 AT 1 ST PETERS CLOSE, HARTSHORNE	REF:
WARD(S) AFFECTED:	HARTSHORNE	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 This TPO was made on 27 October 2015 in respect of group of five Cedar trees in the garden of 1 St Peters Close, Hartshorne.

3.2 The TPO was made at the request of the Council's Area Planning Officer upon the submission of a planning application to erect a dwelling under application ref: 9/2015/0661. Whilst the group provides moderate amenity value at present, it is likely that within 10 years the trees will offer outstanding amenity value to the local area.

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

- The trees being protected are not under potential threat.

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

- Whilst the trees would not directly fall with the application site, the trees could still be affected by the proposed development. In the long term interest of the area, the trees make a substantial contribution to the wider amenity of the village of Hartshorne and the long term protection of these trees is therefore necessary. This does not remove the right for any suitable works to be undertaken to the tree with the exception that a permission would be required under an Order.

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. 27 October 2015 Tree Preservation Order
- b. 18th November 2015 – Letter from Darren Evans