

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	17th OCTOBER 2017	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 464 AT LAND AT 41 GROVE CLOSE, THULSTON	REF:
WARD(S) AFFECTED:	ASTON	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That this Tree Preservation Order (TPO) be confirmed with modifications as per the attached plan.

2.0 Purpose of Report

2.1 To consider confirmation of this TPO with modifications (see attached plan below).

3.0 Detail

3.1 This TPO was made on 27 April 2017 in respect of three individual trees (T1-T3) and two groups of trees (G1 & G2).

3.2 The TPO was made at the request of the Council's Planning Officer following the submission of a planning application on the land where the trees are.

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

- T1, T3 & G1 have no amenity value as they cannot be seen from any public area and are immature relatively short-lived species;
- The Oak and Ash trees within G2 have only a small area of their crown visible (London Road being 200m away) and partly hidden by an oak. Their addition to amenity due to surrounding trees is negligible.

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

- It is agreed that T1, T3 & G1 have little amenity value and that they should be removed from this TPO.
- It is considered that G2 as a whole adds to the amenity of the locality.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make these trees the subject of a (modified) 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 April 2017 - Tree Preservation Order
- b. 1st June 2017 – Letter from Mr C Parkes



South Derbyshire District Council

TPO464 - MODIFICATION

