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<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 4</b>
<b>DATE OF MEETING:</b>	<b>6 AUGUST 2013</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING</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 369</b>	<b>REF:</b>
<b>WARD AFFECTED:</b>	<b>MELBOURNE</b>	<b>TERMS OF REFERENCE: DC01</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 (TPO369).

## **3.0 Detail**

- 3.1 This Tree Preservation Order was made on 9th May 2013 in respect of a flowering crab apple tree situated in the front garden space at 16 Jubilee Close, Melbourne.
- 3.2 The TPO was made following notification to fell the tree recently (see 9/2013/0255 TC). However, the tree is seen to contribute to the immediate streetscene and to the overall visual amenity of the Melbourne Conservation Area. To protect that amenity value a temporary Order was made.
- 3.3 Comments relating to the proposed Order have been received and are summarised below:

### **Letter 1**

- Whilst it is acknowledged the tree is handsome (and when in flower, magnificent), it has grown very big over the last two years and now causes some loss of light to windows.
- It drops apples on the gardens, driveways and pavement – this is a hazard and people could fall;

- This is not an ancient tree and can be easily replaced with something more suitable for the site;
- Failing its felling can the tree be pruned to a more manageable size.

## Letter 2

- This is a new tree with no historical visual value to the amenity of the Conservation Area. To protect a tree that wasn't there before the house is illogical.
- The tree drops its apples onto the public realm, these get squashed and detract from the positive contribution to the townscape.
- Old people passing the site could slip on the apples – they are like ball bearings.
- The planned landscaping is flawed as the tree is too big, too close to services and too close to a retaining wall (between the two properties); this demonstrates poor planning.
- The tree shades the front garden and it is difficult to grow plants there.
- This objector is willing to pay for a replacement tree, a tree of a more sensible size for the type of property and location, a tree that will still make a valuable contribution to the amenity of the conservation area.

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

- The tree was planted as part of the original planned landscaping. This species (crab apple) is seen to be appropriate for small front garden situations.
- There will be some loss of light, although in the darker months the tree will be devoid of its leaves. The tree could be cut back to lessen any perceived overshadowing subject to the appropriate course of action (approval via a planning application).
- Trees will drop their seasonal fruit (as it will do its leaves). The tree could be cut back from the highway to avoid the apples falling onto the highway.
- A tree (of this species) is suitable for this location, planted as part of an approved landscaping scheme to enhance the development and contribute to the Conservation Area setting. Appropriate pruning would manage its size.
- Trees are not protected solely on their historic value. New trees that contribute to the attractiveness of the streetscene can also be protected.

#### **4.0 Planning Assessment**

- 4.1 It is expedient in the interests of amenity to make the tree 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 9 May 2013 Tree Preservation Order
- 9.2 11 June 2013 - Neighbour objection
- 9.3 17 June 2013 - Correspondence with the owner of tree.