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<b>REPORT TO:</b>	<b>DEVELOPMENT CONTROL COMMITTEE</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>29 JULY 2008</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KIM DORAN-PARKES</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>TREE PRESERVATION ORDER 303</b>	<b>REF:</b>
<b>WARD AFFECTED:</b>	<b>REPTON</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.

## **3.0 Detail**

3.1 This Tree Preservation Order was made on 29<sup>th</sup> February 2008 in respect of 1 weeping willow tree at No.21 Beech Avenue, Willington.

The Order was made for the following reasons:

'The tree makes a valuable contribution to the visual amenity of the area, being visible from public vantage points. The tree is under possible threat from a potential planning application to develop the side garden to No.21 Beech Avenue and the Council therefore considers that the making of this order is necessary to protect the high public amenity value of the tree.'

3.2 The TPO was made as a result of a preliminary submission to develop the side garden of No.21 Beech Avenue.

3.2 Comments have been received from an occupant of No.2 North Close, Willington stating that:

- there is concern over the granting of an order as there have been historical problems with the maintenance of the tree.
- it is their understanding that protected trees cannot be lopped, pruned or felled and therefore there is concern for the maintenance of the tree.
- there is concern over who is responsible for any damage caused by the tree.

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

- It is no more than routine management to clip the minor branches of the weeping willow to keep it clear of the footpath. This is not a reason not to retain this visually important tree.
- Tree management can be dealt with through a free tree notification process that ensures that the correct works are carried out to best manage the tree and could include an agreement for routine footpath clearance. A TPO is not a block to stop works to trees.
- The landowner is responsible for damage from their tree. However if such damage were reported to the Authority then reasonable works would be allowed.

#### **4.0 Planning Assessment**

4.1 It is expedient in the interests of amenity to make this tree subject to 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 Corporate Plan Theme – You at the Centre, Improving the quality of the local environment.

#### **8.0 Community Implications**

8.1 Protection of the tree will preserve the amenity of the area for the benefit of the community.

#### **9.0 Background Implications**

9.1 29 February 2008 Tree Preservation Order.

9.2 29 February 2008 letter from occupier of No.2 North Close, Willington..