

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>8<sup>th</sup> NOVEMBER 2016</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KIM PARKES (01283) 595982</b> <a href="mailto:kim.parkes@south-derbys.gov.uk">kim.parkes@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>TREE PRESERVATION ORDER 432 AT 59 JUBILEE CLOSE, MELBOURNE</b>	<b>REF: TPO432</b>
<b>WARD(S) AFFECTED:</b>	<b>MELBOURNE</b>	<b>TERMS OF REFERENCE:</b>

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## **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3.1 A TPO was originally made on 10 December 2015 in respect of a Silver Birch tree at 59 Jubilee Close, Melbourne (ref: TPO421). That Order lapsed without confirmation due to matters beyond officers' control.

3.2 A further Order was made on 10 June 2016 in respect of the same tree.

3.3 The Order was originally made at the request of the Council's Planning Assistant following the submission of a notification to fell the tree.

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

- The tree has been planted too close to the house and is now overshadowing the house and a street light.
- The tree roots will be heading towards the house, grass pavement and drains; and
- The covenants attached to 59 Jubilee Close restrict the height of vegetation to frontage land and the height of the tree conflicts with this.
- The roots cause a public hazard where they protrude above from the ground.
- Fallen leaves from the tree are a potential slip hazard.
- The tree owners will replace the tree with a more suitable species.

3.5 In response, officers have the following response:

- The tree is not considered unsuitable for its position. This Council would be agreeable to appropriate pruning works to mitigate any overshadowing issues present.
- No evidence has been provided to support the alleged damage to the house or drainage system. Such damage is also considered unlikely given the tree species concerned and its position.
- No evidence has been provided to support the presence of such a covenant, nor are there planning conditions which conflict with the retention of the tree. Therefore this cannot be considered at this point.
- The roots only slightly protrude from the ground and are not considered to be a hazard.
- It is not unreasonable to expect that the tree owners clear the fallen leaves and which will avoid this potential hazard.
- The species of the current tree is not unsuitable for its location when properly maintained.

#### **4.0 Planning Assessment**

- 4.1 It is expedient in the interests of amenity to permanently make the tree the subject of a TPO.

#### **5.0 Conclusions**

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

#### **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. 10 June 2016 Tree Preservation Order
- b. 8 January 2016 - Letter from M McDade
- c. 11 July 2016 - Letter from A & M Jacques