REPORT TO:	**DEVELOPMENT CONTROL COMMITTEE**	**AGENDA ITEM: 4**
DATE OF MEETING:	**26 AUGUST 2008**	**CATEGORY: DELEGATED**
REPORT FROM:	**DIRECTOR OF COMMUNITY SERVICES**	**OPEN**
MEMBERS' CONTACT POINT:	**KIM DORAN-PARKES**	**DOC:**
SUBJECT:	**VARIATION OF TREE PRESERVATION ORDER 32**	**REF:**
WARD AFFECTED:	**NEWHALL & STANTON**	**TERMS OF REFERENCE:DC01**

1.0 Recommendations

1.1 That this Tree Preservation Order be confirmed as varied.

2.0 Purpose of Report

2.1 To consider confirmation of this varied Tree Preservation Order.

3.0 Detail

3.1 This Variation of Tree Preservation Order Number 32 was made on 19th May 2008 in respect of a woodland on land at Church Street, Newhall.

The Order was made for the following reasons:

'The trees make a substantial contribution to the amenity of the area and are adjacent to the mature trees in the courtyard to the west and the cemetery to the south. This small evolving woodland is visible over a wide area and contributes to the setting of the listed church and old vicarage. The trees enhance the street scene from Church Street and High Street to the north of the site from a public footpath, which connects to Rose Valley'

3.2 The TPO was made as a result of the submission of a planning application to develop the land.

3.3 Comments have been received from the owners of the land stating:

- Youths are trespassing upon this land and vandalising both the land and property around it. They are also attracted to two particular intertwined trees.
- Tree preservation orders are often placed upon trees as a way of 'blocking' legitimate development.

- This area of land is not suitable to be preserved as woodland. Woodland implies public access and this land is not public.
- The landowner is attempting to recoup costs paid out for drainage.

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

- Tree preservation orders are placed upon trees for mainly amenity reasons and the existence of protected trees does not block legitimate development. Although we are sympathetic vandalism and antisocial behaviour are not legitimate reasons for removing a tree preservation order.
- Works to the two trees that are particularly attractive to the trespassers can be considered.
- Suitable fencing and boundary hedges designed to ensure that trespassers are kept out of the wood is the answer to the trespassing and vandalism issue, as also suggested by a supporting letter contained within the letter of objection.
- The term woodland does not imply public access.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make these trees 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 woodland will preserve the visual amenity of the area for the benefit of the community.

9.0 Background Implications

9.1 19 May 2008 Tree Preservation Order Variation.
9.2 7 July 2008 letter the owner of the land.