
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	4 MARCH 2008	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN
MEMBERS' CONTACT POINT:	KIM PARKES	DOC:
SUBJECT:	TREE PRESERVATION ORDER 295-1 MILL GREEN, THE WHARF, SHARDLOW	REF:
WARD AFFECTED:	SHARDLOW	TERMS OF REFERENCE: DC01

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 11th October 2007 in respect of one plum tree and two silver birches.

The Order was made for the following reason:

'The trees make a valuable contribution to the visual amenity of the area, being visible from several adjacent properties and public highways. The plum tree is subject to a notification of intent to fell (9/2007/966) and the trees are thus under threat. The Council therefore considers that the making of the order is necessary to protect the high amenity value of the trees.'

- 3.2 Comments have been received from the occupier of No.1 Mill Green who owns the trees in question. She states that: the plum tree is substantial and too close to her house and likely to affect shrinkable subsoil beneath the house; it is creating damage to the lawn and patio; the plum tree is situated over a water easement therefore causing a potential water supply problems to hers and other neighbouring properties; light to the living room is being blocked; fallen fruit from the plum tree causes a potential danger to the public. The owner states that she is elderly and is not in a financial position to pay for any resulting or potential issue that may arise.

Comments have also been received from the occupier of No.2 Mill Green stating that she also believes that the fallen fruit from the plum tree is a danger to the general public.

3.3 In respect to the comments made the following points are relevant:

Fallen fruit is not considered to be sufficient reason to override the felling of a tree of high amenity value. Fruit trees only fruit for part of the year and this therefore reduces the work that needs to be done to ensure fallen fruit is removed.

No evidence has been provided in connection with damage to buildings due to its construction on shrinkable sub soils; in fact the subsoil is thought more likely to be sand and gravel and subsidence damage does not typically occur in this type of soil. Patios may be affected if they are constructed too close to trees but this is not reason enough to not confirm the TPO. Tree roots do not break into sound water pipes but they do break into leaking pipes. This is a problem with the pipes not with the tree. Some work to remove lower branches would help to increase light entering the house.

Trees are protected because of their amenity value and these trees are of high amenity value particularly because they are within Shardlow Conservation Area where it is considered important to enhance and retain tree cover.

4.0 **Planning Assessment**

- 4.1 It is expedient in the interests of amenity to make these trees the subject of a Tree Preservation Order. The trees are located within the Shardlow Conservation Area and are considered to have a high amenity value. Applications to do works to the trees would be considered by the Authority in the interests of ensuring the tree's amenity value to the area is not diminished.

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 None

8.0 **Community Implications**

- 8.1 None

9.0 **Background Implications**

- 9.1 11th October 2007.
9.2 22nd October 2007 & 15th October 2007.