

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>1<sup>st</sup> JULY 2020</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>TOM BEARDSMORE (01283) 595821</b> <b><a href="mailto:THOMAS.BEARDSMORE@SOUTHDERBYSHIRE.GOV.UK">THOMAS.BEARDSMORE@SOUTHDERBYSHIRE.GOV.UK</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>PROPOSED TREE PRESERVATION ORDER 528: THE HAWTHORNS, 52 MAIN STREET, NEWTON SOLNEY</b>	<b>REF: TPO 528</b>
<b>WARD(S) AFFECTED:</b>	<b>REPTON</b>	<b>TERMS OF REFERENCE:</b>

---

## **1.0 Recommendations**

1.1 That this Tree Preservation Order should be confirmed.

## **2.0 Purpose of Report**

2.1 To consider confirmation of this Tree Preservation Order (TPO).

## **3.0 Detail**

3.1 The tree has previously been protected by virtue of TPO482 made to protect the tree because of an application received for its removal (application ref. 9/2017/0231).

3.2 There is no evidence to suggest that the order was ever confirmed, potentially leaving the tree at risk from removal in the future.

3.3 This TPO was made on 24 January 2020, in respect of one tree situated on land at 52 Main Street, Newton Solney.

3.4 One letter of objection to making the Order has been received through consultation, raising the following points:

- We have had previous concerns regarding the Eucalyptus Tree adjoining our property. In the recent past a bough fell and flattened around 10 metres of the hedge, when the tree surgeon came to clear the debris he noted this had exposed a further issue with the tree.
- The tree is now further misshapen and unbalanced and exposed a heavier bough susceptible to breaking off and causing further damage, certainly to property, but more importantly to people as well.
- With our previous correspondence regarding the tree, we made the point that your inspectors should visit sites and to talk to people affected by TPOs.

3.5 In answer to the comments made officers have the following response:

- Although claims have been made as to the safety and long term health of the tree, no substantiating evidence of this has been submitted as part of the consultation process.
- It is noted by the Council's Tree Officer, following a visit pursuant to the objection, that there is evidence of some defects but, overall, the tree is in good health and is approximately two thirds of its potential mature size.
- Given the outstanding amenity value the tree provides and its potential to provide such amenity value for many years to come, the potential for falling limbs is not considered sufficient justification to warrant its felling.
- Through appropriate management of the tree, which falls under the responsibility of the landowner, any limbs that require removal can be detailed and assessed through the application process.

#### **4.0 Planning Assessment**

4.1 It is expedient in the interests of amenity to make the trees the subject of a TPO in accordance with advice set out in the Government's Planning Practice Guidance.

#### **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 important trees contributes towards the Corporate Plan themes of enhancing biodiversity across the District, tackling climate change and enhancing the attractiveness of South Derbyshire.

#### **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. 24 January 2020 - Tree Preservation Order made
- b. 26 February 2020 - Objection received.
- c. 27 February 2020 - Consultation end date.