

Report of	Meeting	Date
Director Partnerships, Planning and Policy	Development Control Committee	13 December 2011

## **OBJECTION TO TREE PRESERVATION ORDER NO. 8 (WITHNELL) 2011**

### **PURPOSE OF REPORT**

1. The purpose of this report is to decide whether or not to confirm the above Tree Preservation Order (TPO) with or without modification in light of the objection received.

### **RECOMMENDATION(S)**

2. That Tree Preservation Order No. 8 (Withnell) 2011 is confirmed.

### **EXECUTIVE SUMMARY OF REPORT**

3. The purpose of this report is to decide whether to confirm the above Tree Preservation Order with or without modification. The Order was placed on the site following the submission of an outline planning application for residential development on the site.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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### **REASONS FOR RECOMMENDATION(S)**

#### **(If the recommendations are accepted)**

4. It is recommended that the Order be confirmed as the intention is to build a new property next to healthy trees in prominent positions with significant amenity value.

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

5. The Council could have not placed the preservation order however this could have led to the damage and eventual loss of healthy trees with significant amenity value.

### **CORPORATE PRIORITIES**

6. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			X

## BACKGROUND

7. This objection relates to trees on a parcel of land at the side of 43 Thirlmere Drive, Withnell. It was considered expedient to protect the better quality trees on site and an order was made on that basis.

## OBJECTION

8. A letter of objection has been received from the owner of the property on the following grounds:
- T1 is not a native species (Eucalyptus) and due to its shape will eventually require maintenance work.
  - T2 (Field maple) is a small tree.
  - The plans were designed to allow the trees to co-exist with the proposed development.

In response to the objection the Council's Arboricultural Officer has the following comments:

- The fact that T1 is not a native species is irrelevant in this situation. It is a prominent tree clearly visible to all that pass and so contributes significantly to the amenity of the area. The comment that it will eventually need work is self evident. Trees are living, growing things and so all will at some point need maintenance work.
- The tree T2 is smaller than the eucalyptus but, like T1 is visually prominent and contributes significantly to the area visually.
- The position of the eucalyptus on the plans submitted for the proposed development is actually within the patio on the proposal and only 2 metres from the rear of the property. This is well within any Root Protection Area that would need to be established for the protection of the tree. The Maple is 6 metres away from the side of the proposed build and although this is less of a problem, would still be within the RPA of the tree.

Because of these reasons I recommend that the TPO is confirmed without change.

## IMPLICATIONS OF REPORT

9. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	X

LESLEY-ANN FENTON  
DIRECTOR PARTNERSHIPS, PLANNING AND POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Keith Winstanley	5603	18 November 2011	