

Tree Preservation Order 2011 Number 565 (54 Woodlands Road, Allestree, Derby)

SUMMARY

- 1.1 This report summarises and comments on objections to a Tree Preservation Order (TPO) on a tree at 54 Woodlands Road, Allestree, Derby and recommends confirmation of the TPO without modification.

RECOMMENDATION

- 2.1 To approve confirmation, without modification, of Tree Preservation Order 2011 number 565 (54 Woodlands Road, Allestree, Derby)

REASONS FOR RECOMMENDATION

- 3.1 In order to permanently confirm Tree Preservation Order 2011 number 565 (54 Woodlands Road, Allestree, Derby) so as to control works to the significant tree on site, avoiding a loss of amenity value to the street scene and the immediate and wider area.

SUPPORTING INFORMATION

- 4.1 On 10th February 2011, Derby City Council, in exercise of the powers conferred by sections 198, 201 and 203 of the Town and Country Planning Act 1990, made the above Tree Preservation Order (TPO) on a tree at 54 Woodlands Road, Allestree, Derby as shown on the plan attached as Appendix 2.
- 4.2 The reason why the TPO was made is cited as: "The tree indicated in this Order is proposed for protection in the interests of visual public amenity. The tree is situated in a very prominent position and can be appreciated from the immediate vicinity as well as from further afield. The tree contributes materially to the amenities of the locality by playing an important part in providing a sense of scale and maturity and by having a general greening effect on the immediate and surrounding area."

- 4.3 Three letters objecting to the TPO were received from owners of adjoining and nearby properties; Mrs Thompson 52 Woodlands Road, Mr and Mrs Evans 50 Woodlands Road and Mrs Gerrard 56 Woodlands Road. Copies of the objection letters are attached as Appendix 3. One letter of support has also been received and this is also attached at Appendix 3.
- 4.4 The objections are summarised below followed by the Director's response.
- 4.5 **Objection point one:**
The tree represent a potential danger to adjoining properties
- 4.6 **Director's response to point one:**
The tree has been inspected by one of the City Councils Arboriculture Officers and was considered to be growing in a safe condition.
- 4.7 **Objection point two:**
Lack of maintenance means that the tree is interfering with a telephone wire running through its branches and is causing some loss of light to rooms in adjoining properties
- 4.8 **Director's response to point two:**
These problems could be dealt with or significantly relieved by undertaking sympathetic maintenance on the tree.
- 4.9 **Objection point three**
Leaf and twig fall from the tree cause problems to guttering of adjoining properties, adjoining drives and pavements, and has caused lifting of pavements adjoining the property.
- 4.10 **Director's response to point three:**
It is not considered these problems are great enough to warrant not confirming the Order.

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| OTHER OPTIONS CONSIDERED |
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- 5.1 The only other option considered is not to confirm the order, which would mean that the significant tree on site would be left without any level of statutory protection, which could lead to its removal or damage.

This report has been approved by the following officers:

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| Legal officer Financial officer Human Resources officer Service Director(s) Other(s) | 31 March 2011 |
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| For more information contact: Background papers: List of appendices: | Name 01332 256001 e-mail david.slinger@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Location Plan Appendix 3 – Letter/s of objection Appendix 4 – Photographs |
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| IMPLICATIONS |
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Financial

- 1.1 None

Legal

- 2.1 The Local Planning Authority must, before deciding whether to confirm the Tree Preservation Order, consider any duly made objections.
- 2.2 The Local Planning Authority may modify the Tree Preservation Order when confirming it.

Personnel

- 3.1 None arising from this report.

Equalities Impact

- 4.1 None arising from this report.

Health and Safety

- 5.1 None arising from this report.

Carbon commitment

- 6.1 Retaining the tree on site would help assist, in a small way, in countering the effect of climate change by locking up carbon and countering the 'heat island' effect of rising temperatures on the city.

Value for money

- 7.1 None arising from this report.

Corporate objectives and priorities for change

- 8.1 This decision would assist in taking forward the Corporate Priority of 'Moving Derby towards a better environment'.