



DERBY CITY COUNCIL

Planning Control Committee
21 April 2011

Report of the Strategic Director of
Neighbourhoods

ITEM 9

Tree Preservation Order 2010 Number 564 (St. Peter's Church, St. Peter's Churchyard, Derby)

SUMMARY

- 1.1 This report summarises and comments on an objection to a Tree Preservation Order (TPO) on two trees at St. Peter's Church, St. Peter's Churchyard Derby and recommends confirmation of the TPO without modification.

RECOMMENDATION

- 2.1 To approve confirmation, without modification, of Tree Preservation Order 2010 number 564 (St. Peter's Church, St. Peter's Churchyard, Derby)

REASONS FOR RECOMMENDATION

- 3.1 In order to permanently confirm Tree Preservation Order 2010 number 564 (St. Peter's Church, St. Peter's Churchyard, Derby) so as to control works to the two significant trees on site, avoiding a loss of amenity value to the street scene and the immediate and wider area.

SUPPORTING INFORMATION

- 4.1 On 14th December 2010, 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 two trees at St. Peter's Church, St. Peter's Churchyard, Derby as shown on the plan attached as Appendix 2.
- 4.2 The reason why the TPO was made is cited as: "The two trees indicated in this Order are proposed for protection in the interests of visual public amenity. The trees are situated in a very prominent position and contribute materially to the amenities of the locality by their position in relation to nearby listed buildings. They provide a sense of scale and maturity, act as a screen to more modern buildings, and have a general greening effect on the immediate area."

- 4.3 A letter objecting to the TPO was received from Mr Garrick Sayers on behalf of Sally Montague Hair group who have a property adjacent to the Church. A copy of the objection letter is attached as Appendix 3.
- 4.4 The objections are detailed below followed by the Director's response.
- 4.5 **Objection point one:**
The trees allow vermin to enter their building and its roof space and cause problems, including eating through electricity cables.
- 4.6 **Director's response to point one:**
While I have some sympathy with the objections on this matter, there are smaller holly trees adjacent to this building, not the subject of the Tree Preservation Order, which I feel are much more likely to be responsible for this problem. Even if the Lime trees were partially responsible for this problem, I do not consider the effect is severe enough to warrant not confirming this Order.
- 4.7 **Objection point two:**
The trees take light away from their building when in full leaf and need pruning.
- 4.8 **Director's response to point two:**
While a certain amount of light may be lost to their property, I consider a certain amount of this is caused by other trees not covered by a Tree Preservation Order. Pruning of the trees may partially overcome this problem and I do not consider the effect severe enough to warrant not confirming this Order.

OTHER OPTIONS CONSIDERED

- 5.1 The only other option considered is not to confirm the order, which would mean that two significant trees on site would be left without any level of statutory protection, which could lead to their removal or damage.

This report has been approved by the following officers:

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

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 two trees 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'.