
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	30 JULY 2002	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN PARAGRAPH NO:N/A
MEMBERS' CONTACT POINT:	TONY YOUNG (5745)	DOC:
SUBJECT:	TREE PRESERVATION ORDER 194	REF:
WARD AFFECTED:	HARTSHORNE	TERMS OF REFERENCE: DC01

1.0 Recommendations

1.1 That this Tree Preservation Order be confirmed without modification.

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 28 March 2002 in respect of one beech tree in the garden of 18 Main Street, Hartshorne, as indicated on the plan attached at Annexe 'A'. The Order was made for the following reasons:

This is a fine specimen of a mature beech tree which, in an elevated position and close to the public highway, is highly visible and an attractive focus in the village streetscene. There is a proposal to construct a boundary wall some 3m from the trunk of the tree, which is likely to sever its roots and kill the tree. In view of the tree's amenity value, South Derbyshire District Council considers it expedient that this Order be made.

The owner of the tree has written requesting that the Order is not confirmed. His comments and observations are summarised as follows:

- (1) He values the tree, which was a selling point, when he bought the house. It provides valuable shade and shelter in what would otherwise be a very exposed garden. He is committed to safeguarding it for the future.
- (2) The boundary wall, which was refused due to the tree, is required for the following reasons:
 - (a) His children of 2 and 4 may slip down the bank and onto the main road.

- (b) The bank is eroding and it is now hazardous to mow the grass strip at the top of the bank, which is appreciably narrower than it was 11 years ago. If the erosion continues then the stability of the tree, and a portion of his garden could be affected.
 - (c) The bank is difficult to maintain and strimming aggravates the problem of erosion. The wall would improve the appearance and visibility from Church Street.
- (3) It is unlikely that roots would be encountered as there is a course of sandstone blocks from a previous wall, which runs along the majority of the boundary which have not been disturbed by root pressure and neither has the pavement.
 - (4) Digging work could be done by hand and bridging lintels used where roots are encountered.
 - (5) Disturbance could be further minimised by doing the work in the late Autumn and back filling of the wall could be carried out over a period of 12 months.
 - (6) The Subsidence Claims Advisory Board recommend that a mature beech tree should be not less than 15 metres from a house, whereas the tree is 11m from the house. This is not a problem at the moment but could be in the future.

4.0 Consultation

- 4.1 The Council's tree specialist comments that the proposed wall at 3m from the trunk will sever the structural roots holding this large tree up. An architectural metal mesh fence could be used backed up with ground cover planting, for example *Symphoricarpos albus* (Snow berry) or *Symphoricarpos chenaultii* (Coral berry) – as these plants are good soil stabilising plants. A fence and planting will not allow children to fall down the bank

Roots will occur within 3 metres of a mature tree. BS 5837 states that protective fencing should be used 8 metres from the trunk. This is an old tree and any construction work could put it into terminal decline. Decline is shown by the fact that one or two branches have failed in the past.

With regard to subsidence, this occurs only on shrinkable clays and evidence has not been provided to identify this soil type. 11 metres is a reasonable distance from the house and 15 metres may well be a better distance. Beech is a low water demanding tree and no subsidence damage has been pointed out to the planning authority.

5.0 Planning Considerations

- 5.1 This mature beech tree is very prominent in the village streetscene and its amenity value appears to be undisputed. The purpose of this report is to consider whether it is expedient in the interests of amenity to preserve the tree.
- 5.2 With regards to potential root damage no expert evidence has been submitted to counter the views of the local planning authority but the authority would be prepared to consider any such evidence. It would appear that alternative less intrusive solutions are available to provide a secure boundary in the interests of safety.

6.0 Financial Implications

6.1 None

7.0 Corporate Implications

7.1 None

10.0 Background Papers

10.1 28 March 2002 Tree Preservation Order
21 June 2002 Letter from owner

