
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	30 October 2007	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	NICKY TOON	DOC:
SUBJECT:	TREE PRESERVATION ORDER 280 Basford Hill Farm, Ashby Road, Ticknall	REF:
WARD AFFECTED:	HARTSHORNE/TICKNALL	TERMS OF REFERENCE: DC01

1.0 Recommendations

- 1.1 That this Tree Preservation Order be confirmed.

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 4th May 2007 in respect of a cedar tree at Basford Hill Farm, Ashby Road, Ticknall.

Following the receipt of a notification to remove the cedar tree, situated within a conservation area, a Tree Preservation Order was made for the following reason:

“This semi-mature cedar tree within Ticknall Conservation Area is in a publicly visible position on the southern approach to the village. There is no evidence to confirm the occupier’s concerns of property damage being caused by the tree or that it would fall over in high winds. In view of the public amenity provided by the tree, the Council considers it expedient that this Tree Preservation Order is made.”

- 3.2 Several letters of objection have been received from the owner of the site commenting:

- The Council have failed to address the owner’s main concern that the tree roots will cause damage to the main sewer from the house.
- The Council, in stating that ‘there is no evidence to confirm the occupier’s concerns of property damage being caused by the tree if it were to fall over in a high wind’ have not qualified what evidence is required.
- There were no objections to the felling of the tree from any of the neighbours.

3.5 In answer to the comments made the Council's landscape architect has the following comments:

- The objections mainly relate to the tree roots causing possible damage to the sewer from the house. The applicant has provided no evidence of this damage. Tree roots do not typically break into sound pipes unless the drain is flawed and faulty in the first place. However, old sewers have pipes and joints that can and do fail and tree roots may invade such unsound pipes. A solid plastic modern drain is not a target for tree roots to invade.
- The tree is a mid-sized, young and healthy cedar with 150 years future ahead of it. Cedar trees are sound trees in strong winds. At full maturity branches can fall off old trees (200 years old) but this is perhaps in 100-150 years time. It is unusual and very rare for young cedars to fall over in winds, over mature 200-year-old cedars can self prune branches in gales, but the whole tree does not blow over. The tree is a youngster, approximately 30 years old. Young cedars are wind firm trees that are not susceptible to being blown over in gales. The tree is also well away from the building.
- The tree is a Himalayan Cedar, which have relatively low spread. The tree is a fine amenity specimen and is worthy of protection.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make this tree the subject of a Tree Preservation Order. The tree is situated within Ticknall Conservation Area and is clearly visible from public vantage points on the southern approach to the village. There is no evidence to confirm the occupier's concerns of drain or property damage being caused by the tree or that it would fall over in high winds. The tree is considered of public amenity value within this location and worthy of protection.

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 None

8.0 Community Implications

8.1 None

9.0 Background Implications

9.1 04 May 2007

9.2 Letter of objection – 17 May 2007

9.3 Letter of objection – 3 September 2007

9.4 Letter of objection 28 September 2007