
REPORT TO:	Development Control Committee	AGENDA ITEM: 9 (a)
DATE OF MEETING:	10 February 2004	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	Tony Burdett 01283 595746	DOC:
SUBJECT:	Tree Preservation Order No 212 – Land at No. 23 Chellaston Lane, Aston on Trent	REF:
WARD(S) AFFECTED:	Aston	TERMS OF REFERENCE: DC01

1.0 Reason for Urgency

1.1 This Tree Preservation Order must be confirmed, or otherwise, prior to the next Meeting.

2.0 Recommendations

2.1 That the Order be confirmed without modification.

3.0 Purpose of Report

3.1 To enable the Committee to consider objections to the Order.

4.0 Detail

4.1 The provisional Order was made on 20 August 2003, following a request by the owner who felt that the tree was under threat from works carried out by a neighbour. The tree, a mature Ash, was felt to have significant individual amenity value when viewed from Chellaston Lane. A copy of the plan to the Order is attached at Annexe 'A'.

4.2 The owner of the adjoining property objects in the following terms:

- The tree does not have significant amenity value as it cannot readily be seen from any public place.
- The tree is a risk to the neighbour's family due to brittle, falling and low branches.
- Regular pruning is necessary to keep the tree safe.
- The tree is adjacent to a concrete boundary wall and it has caused the wall to crack, to the extent that it is likely to collapse, with the risk of injury.

- There is evidence of disease.
- The tree is a statutory nuisance. As such the Council should require the owner to make it safe.
- The Order is unnecessary and devalues the principle of such orders.

4.3 The Council's consultant arboriculturist has commented on the objections as follows:

- The tree is set in a large garden and is not regarded as a safety risk.
- The wall has cracked due to direct damage by the tree trunk. It will need to be rebuilt in this area. However it appears that the wall has been failing for a number of years. If it were to be rebuilt, provision could be made to prevent any further damage from the tree.
- The tree can be seen from the adjacent road and from surrounding houses and has amenity and wildlife value.
- There is no evidence of any significant disease.

4.4 The neighbour would be entitled to make an application under the terms of the Order for consent to carry out works. The Order would not prevent proper consideration of safety issues. In the event of a tree being dangerous then it would be lawful to carry out emergency works. The Order would not have any direct impact on the issues of safety, damage and nuisance raised by the owner.

5.0 Financial Implications

5.1 None at this stage.

6.0 Corporate Implications

6.1 None.

7.0 Community Implications

7.1 None.


8.0 Conclusions

8.1 The tree has significant public amenity value. The issues raised by the neighbour can be properly considered in the context of an application to carry out works to the protected tree.

9.0 Background Papers

9.1 TPO File 212.



 South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH		Date Plotted 8/8/2003	NORTH ↑
	TPO 212 23 Chellaston Lane Aston-on-Trent	Plot centred at 441131 329510	Scale 1:500
<small>Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.</small>			<small>License No LA 079375</small>

