
REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	8TH MAY 2012	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF OPERATIONS	OPEN
MEMBERS' CONTACT POINT:	Kim Doran-Parkes (ext. 5982)	DOC:
SUBJECT:	TREE PRESERVATION ORDER NO. 357 – LAND AT NO. 2 MELBOURNE LANE, TICKNALL	REF:
WARD AFFECTED:	REPTON	TERMS OF REFERENCE: PL01

1.0 Recommendations

1.1 Subject to a verbal update at Committee, that this Tree Preservation Order be confirmed.

2.0 Purpose of Report

2.1 To consider confirmation of this Tree Preservation Order (TPO).

3.0 Detail

3.1 This TPO was made on 15th March 2012 in respect of a group consisting of 1 x Beech tree, 12 x Birch trees, 1 x Maple tree and 2 x Sycamore trees, all located in the garden space of No. 2 Melbourne Lane, Ticknall.

3.2 The TPO was made at the request of the Case Officer following consultation with the Tree Officer and the Development & Building Control Manager. The trees are in good condition and are seen to have a high degree of amenity due to their prominent location bounding the public realm. The trees contribute substantially to the character of the street scene and the Ticknall Conservation Area. A notice to fell the trees was received from the owner of the property, and the reason stated for felling was that the trees were originally planted too close to the property and, having grown, their roots are taking moisture out of the ground, causing cracking and subsidence of the property.

3.3 Comments relating to the proposed Order have been received and are summarised as follows:-

- The applicant has commissioned a Building, Civil Engineering & Management Consultant to look at the impact of the trees on the property and the report (which accompanied the original notice) draws the following conclusions/recommendations:-

- Despite the obvious visual damage to the house due to subsidence it remains perfectly stable. Damage to date is of no structural significance but will almost certainly worsen with time unless appropriate action is taken.
 - The casual mechanism of movement should be addressed by removing all of the trees in the garden areas, including their stumps (unless treated with glyphosate to prevent regrowth). Woody shrubs in the garden, boundary hedges and trees therein may remain as their future influence on the founding soils will be negligible.
 - Stitching cracks wider than 3mm and resin binding narrower cracks will restore the original robustness of the damaged masonry panels. As the house is stable, the longer this work is delayed the better will be the standard of repair as soils will hydrate slowly and swell marginally on removal of the trees, thus causing cracks to close on their own.
 - There will be no concerns regarding damage to the house due to soil heave on removal of the trees as their planting post dated construction.
 - Removal of the trees and repair to the property will make the house as robust as when it was first constructed and there should be no risk of further movement or damage.
- A further letter, dated 22nd March 2012, was received to consider two alternative options to the felling of the trees - the creation of a root barrier or the deepening of the foundations to the house and garage:-
 - Root barriers would only be advised where there is a low risk of root damage, and here actual damage has occurred. Additionally, where root barriers are sensibly parallel to contours, they can result in ponding of water on the high side and actually promote root growth towards the feature they are designed to protect. This would certainly apply to the barriers that would be required between the house/garage and Melbourne Lane. For these reasons, root barriers are not a viable option.
 - Deepening the foundations would be extremely problematic as the property lies on the edge of the old lime yard workings. The site investigation to determine the most suitable technique could cost £5,000 to £10,000 plus VAT with the actual work costing a further £20,000 to £50,000 plus VAT, depending on the results. For these reasons, deepening the foundations is not a viable option.
- The Consultant's conclusion is that the only economically viable option is to fell the trees. It is appreciated that this will have a fairly significant visual impact but would suggest that this could be ameliorated by a sympathetic replanting scheme with woody shrubs/trees with a lower water demand.

3.4 In answer to the comments made, officers have the following responses:-

- The Council's Tree Officer and Building Control Surveyor comments on the findings of the Consultant's report are summarised below. The case is a potentially complex one so the Council has therefore commissioned an independent Structural Engineer and the findings of his report will be reported verbally to the Committee.

- The Council's Tree Officer has advised that the property's foundations are within the Birch tree's 'zone of influence' (the 'zone of influence' relates to the extent of the trees roots). Therefore, the trees may be a contributing factor regarding the subsidence claims, however, it is unlikely to be the sole cause.
- The soil at the application site is mudstone, which has a very low clay content and therefore shrinkage would be limited.
- The Birch trees are rated as 'low water demand' (NHBC Standards, Section 4.2, Building near trees, 2010) and many of the birch trees on the site are young semi-mature specimens and water uptake would not be that of a large mature specimen. A recent very dry period resulted in a lowered water table and may also be a factor.
- The detail contained in the Consultant's report does not eliminate other contributing factors likely to cause subsidence and it does not demonstrate that the trees are the sole/main reason for it. For example:-
 - Summer and winter monitoring of the state of the property could provide evidence of the impact of the trees on the building i.e. during the winter, broadleaf trees do not absorb water from the ground and therefore the cracks should close, then open again during the summer when the trees are actively seeking ground moisture.
 - The property has been built on the edge of the old Ticknall Lime Quarry and therefore this could bear some relation to the subsidence and cracking of the house and it could be argued that the effect on the house does not lie solely with the trees.
 - A soil test could be undertaken to determine the exact moisture content of the ground and an assessment undertaken to determine which of the many trees roots are actually affecting the property. A blanket tree removal is considered excessive.

4.0 Planning Assessment

- 4.1 It is expedient in the interests of amenity to make the trees the subject of a Tree Preservation Order. However, if the Council's independent expert determines that the trees are the cause of the damage to the property, the TPO should not be confirmed.

5.0 Conclusions

- 5.1 It is expedient in the interests of amenity to preserve unless the Council's independent advice indicates otherwise.

6.0 Financial Implications

- 6.1 None.

7.0 Corporate Implications

- 7.1 Protecting visually important trees contributes towards the Corporate Plan theme of Sustainable Development.

8.0 Community Implications

- 8.1 Trees that are protected for their good visual amenity value enhance the environment and character of an area and therefore are of community benefit for existing and future residents helping to achieve the vision for the Vibrant Communities theme of the Sustainable Community Strategy.

9.0 Background Information

- 9.1 Notice Application 9/2012/0024
- 9.2 15th March 2012 Tree Preservation Order.
- 9.3 Broadstone Associates (Building, Civil Engineering & Management Consultants) Structural Inspection Report dated 27th February 2012.
- 9.4 Letter of 22nd March 2012 from Broadstone Associates.