
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	16 th December 2003	CATEGORY:
REPORT FROM:	<u>DEPUTY CHIEF EXECUTIVE</u>	RECOMMENDED OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	R M Shirley (595750)	DOC:
SUBJECT:	Unauthorised pruning of protected trees – The Hill House Sinfín Lane, Barrow on Trent	REF: RMS/E2003/233
WARD(S) AFFECTED:	Aston	TERMS OF REFERENCE: DC01

1.0 Reason for Exempt (if appropriate)

1.1 Not applicable

2.0 Recommendations

2.1 That the Development Control Committee authorises the Legal and Democratic Services Manager to institute an appropriate prosecution in the light of the unauthorised work carried out on the protected trees.

3.0 Purpose of Report

3.1 To obtain the Committees instructions.

4.0 Executive Summary

4.1 Not applicable.

5.0 Detail

5.1 Following a complaint, a site inspection undertaken by the Council's retained Arboriculturalist and Landscape Architect revealed that nine trees forming part of the eastern side of an avenue lining the access roadway to the dwelling known as The Hill had been pruned, allegedly to permit the free flow of service and other vehicles visiting the property.

5.2 The avenue of trees is protected by South Derbyshire Tree Preservation Order No. 17 dated 4th August 1980.

5.3 The pruning work carried out was mainly minor in nature, taking the form of crown raising and whilst its quality was relatively poor it was not bad enough to kill the trees.

However, there was a large square pruning wound to a horse chestnut and certain stubs remaining that could allow infection into the trees if left extant.

- 5.4 The owner's representative stated that the work was incomplete at the time of the visit. and that the owner was unaware that an application was required solely for maintenance purposes.
- 5.5 Had an application been made for the work, it is likely that it would have been permitted.
- 5.6 A plan of the area covered by the Tree Preservation is attached at Annexe A.

6.0 Financial Implications

- 6.1 Should the Committee resolve to prosecute in the matter, the Council may be subject to certain costs

7.0 Corporate Implications

- 7.1 Not applicable

8.0 Community Implications

- 8.1 Not applicable

9.0 Conclusions

- 9.1 It is clear that unauthorised work has been carried out on the protected trees without notification to the Local Planning Authority which is the main conclusion to be drawn in the matter. Although the work is mainly minor in nature it constitutes an offence.
- 9.2 Additionally, some of the work has been carried out in a relatively poor manner which could prove detrimental to the health of the trees in the long term.
- 9.3 It is open to the Committee to authorise the Legal and Democratic Services Manager to prosecute the owner of the property for carrying out the unauthorised work.

10.0 Background Papers

- 10.1 Enforcement File E2003/233 and South Derbyshire District Council Tree Preservation Order File No. 1 together with a photograph illustrating the pruning wound to the horse chestnut.