

REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	21 November 2006	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	NICKY TOON	DOC:
SUBJECT:	TREE PRESERVATION ORDER 267 87 Main Street, Ticknall	REF:
WARD AFFECTED:	HARTSHORNE/TICKNALL	TERMS OF REFERENCE:

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 5 July 2006 in respect of two silver birch trees located at 87 Main Street, Ticknall.

The Order was made for the following reason:

'An application has been received to fell the two silver birches, which are situated within Ticknall Conservation Area. These mature trees are visible from the public footpath that runs alongside the site and are considered to be of good amenity value contributing to the character and appearance of the garden and the conservation area. In view of the amenity value the Council consider it expedient that this Tree Preservation Order is made'.

3.2 Ticknall Parish Council object to the confirmation of the Order commenting that the trees are of "little amenity value" and are "out of place in a garden that is already shaded by mature trees of greater intrinsic value."

3.3 An objection has been received on behalf of the owners of the site commenting:

- The Council claim that the trees are of 'good amenity value', however in the Government Publication, Tree Preservation Orders: a Guide to the law and Good Practice, Tree Preservation Orders should be used to protect trees if their removal would have a 'significant impact' on the local environment. "The Council has not applied the stricter test".
- The authority has only considered the contribution, in their opinion, that the trees make and not what impact would arise if the trees were not there;

- Silver birch trees are relatively common, relatively short lived and suffer from fungal infections;
- The trees are for the most part hidden by the surrounding larger trees and are only visible from a few vantage points. They do not have a presence in the overall scene and are barely visible;
- The trees have no particular importance, nor do they contribute to the Conservation Area;
- The trees are not suited to their domestic setting within a garden that is well served by other much larger trees of higher amenity value.
- The significant amount of seed loss from silver birch is a nuisance blocking gutters, dirtying windows, hard paved areas and cars parked underneath;
- The adjoining neighbours support the felling of the trees.
- Ticknall Parish Council raised no objection to the felling of the trees.

3.4 The owners of 87 Main Street have submitted an arboricultural report which advises that the trees are of little amenity value and do not add to the aesthetics of the garden with several more important other species doing this. The tree two feet from the property wall is "of concern as the roots will cause damage and a need for costly repairs". The recommendation is to remove both trees.

3.5 In answer to the comments made, the Council's Landscape Architect has the following comments:

- The trees are more visible in winter as the outer screen is leafless, allowing the white birch trunks to become a feature.
- They are close to a busy rural footpath and adjacent to the entrance to Calke Abbey, a tourist attraction;
- The site lies within the National Forest;
- Silver birch is a good tree for wildlife supporting many feeding birds feeding on the insects that the tree supports and providing a habitat for the local birds;
- The trees are not out of place within this large garden and contribute to the scale of the site;
- The trees are healthy and there is no fungal infection;
- There is no damage to the wall and birch roots 2 metres from a wall rarely cause damage;
- The garden is large enough to accommodate both the trees and the cars without needing to park under the canopy.

4.0 Planning Assessment

4.1 The Council was forced to come to a view about the amenity value of these two trees when it received a notice to fell them. With the advice of the Council's Consultant Landscape Architect it was considered expedient in the interests of amenity to make the trees the subject of a Tree Preservation Order. The trees are situated within Ticknall Conservation Area and are visible from the public footpath that runs alongside the site opposite the entrance to Calke Abbey and from Main Street, the main road through the village. The trees are of good amenity value and are better seen in winter without leaf screening and are considered to contribute to the appearance of the garden and conservation area.

5.0 Conclusions

5.1 It is expedient in the interests of amenity to preserve the trees.

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 05 July 2006

9.2 Letter of objection – 21 September 2006

9.3 Letter of objection – Ticknall Parish Council, 25 October 2006

