



Tree Preservation Order 2005 Number 445 (1 Firs Crescent, Allestree, Derby)

RECOMMENDATION

1. To approve confirmation, without modification, Tree Preservation 2005 Number 445 (1 Firs Crescent, Allestree, Derby)

SUPPORTING INFORMATION

- 2.1 On 14 December 2005 Derby City Council, in exercise of the powers conferred by sections 198, 201 and 203 of the Town and Country Planning Act 1990, made the above Tree Preservation Order (TPO) on a single Oak tree situated at 1 Firs Crescent, Allestree, Derby, as shown on the plan attached as Appendix 2.
- 2.2 The reason why the TPO was made is cited as: "The Council have made the Order because the tree indicated in this Order is proposed for protection in the interests of visual public amenity. The tree is situate in a prominent position and can be clearly seen from the public highway. The tree is extremely significant within the streetscene, adding a sense of scale and maturity to the locality" "
- 2.3 A letter objecting to the TPO was received from Mrs M J Otero Ucha who is a resident of 1 Firs Crescent. A copy of the objection letter is attached as Appendix 3.
- 2.4 A second letter from Mrs M J Otero Ucha has also been received. A copy of this second letter is attached as Appendix 4.
- 2.5 The relevant points of Mrs Otero Ucha's objection letters are listed below followed by the Assistant Director's response.
- 2.6 **Mrs Otero Ucha objection point one:** "...I would like further information as why this has now been invoked"
- 2.7 **Assistant Director's response to point one:** Mrs Otero Ucha has been advised that the TPO was made in response to a TPO request from a member of the public who was concerned that inappropriate and poor quality tree works were being carried out to the tree, furthermore and as mentioned in 2.2. the tree is extremely significant within the street scene. Taking into account the prominence of the tree and the inappropriate tree works a TPO was thought to be expedient.

- 2.8 **Mrs Otero Ucha objection point two:** “I had spoken to the appropriate department with regards to this tree earlier in the year and there was no record of any previous reservations, comments or notes on the tree.”
- 2.9 **Assistant Director’s response to point two:** Mrs Otero Ucha contacted the TPO officer on 4 July 2003 to enquire whether the tree was protected by a TPO. She was advised that the tree was not protected by a TPO. However this does not stop the Council from making a TPO at a later date if it is thought to be expedient to do so.
- 2.10 **Mrs Otero Ucha objection point three:** “I am concerned that no inspection of the tree in question has been made.”
- 2.11 **Assistant Director’s response to point three:** The Council’s TPO Officer has inspected the tree with regards to its amenity value. One of the Council’s Assistant Arboricultural Officers has also inspected the tree with regards to whether the tree is appropriate to place a TPO on the tree on health and safety grounds and whether the tree is appropriate to its location. From these inspections it has been concluded that the tree has significant amenity value, was healthy and safe and is appropriate to its location.
- 2.12 **Mrs Otero Ucha objection point four:** “Any Inspection which is made should include an officer accessing the upper branches to assess the health and safety of the tree.”
- 2.13 **Assistant Director’s response to point:** It is not necessary to gain physical access to the upper branches of the tree to ascertain the health and safety of the tree. Ground level inspections are more than adequate to carry out assessments of trees in relation to their suitability to be made subject of a TPO.
- 2.14 In conclusion Committee is asked to authorize the confirmation, without modification, of TPO 2005 Number 445 (1 Firs Crescent, Allestree, Derby).

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Background papers:	Tree Preservation Orders, A Guide to the Law and Good Practice
List of appendices:	Appendix 1: Implications Appendix 2: Plan Appendix 3: letter of objection

IMPLICATIONS

Financial

1. None.

Legal

- 2.1 The Local Planning Authority must, before deciding whether to confirm the Tree Preservation Order, consider any duly made objections.
- 2.2 The Local Planning Authority may modify the Tree Preservation Order when confirming it.

Personnel

3. None directly arising

Supporting the Council's vision and priorities

4. The confirmation of Tree Preservation Order 2005 Number 445 (1 Firs Crescent, Allestree, Derby) will support the Council's vision and priorities by contributing to the priority to improve the quality of life in Derby's neighbourhoods.