

Confirmation of TPO No. 608 – 5 Snelston Crescent, Derby

Purpose

- 1.1 The Planning Control Committee is asked to consider an objection to the making of TPO No.608

Recommendation(s)

- 2.1 To authorise the Director of Planning, Transport and Engineering to confirm Tree Preservation Order (TPO) No. 608 without modification.

Reason(s)

- 3.1 In the interest of public visual amenity.

Supporting information

- 4.1 On 17th May 2022 we made Derby City Council (5 Snelston Crescent, Derby) Tree Preservation Order 2022, Number 608
A copy of the TPO plan can be seen as Appendix 1.
A copy of the TPO schedule can be seen as Appendix 2.
Photographs of the trees can be seen as Appendix 3.
The amenity evaluation score can be seen as Appendix 4.
- 4.2 **Grounds for making the order** – The tree indicated in this Order is proposed for protection in the interests of public visual amenity. The tree can be appreciated from the public realm and contributes materially to the amenities area by playing an important part in providing a sense of scale and maturity and by having a general ‘greening’ effect on the immediate area.
- 4.3 **Background information** – A planning application, ref [22/00418/FUL](#), has been submitted which proposed a first-floor extension and enlargement of an existing detached garage at 518 Burton Road. The proposed development is located to the south of the mature Pine tree proposed to be made subject to a TPO. Although the presence of the tree was acknowledged within the application an Arboricultural Impact Assessment was not supplied with the application. The proposed development would require ground works within the root protection area. In addition low branches would need to be removed to allow clearance to the proposed development. Potential ground works and pruning would be detrimental to tree health. It is noted that application plans have been amended which now shows a single storey extension to the south east of the existing garage. The amended arrangement should not have a negative impact on the tree.

Public/stakeholder engagement

- 5.1 One objection to the making of the TPO was received on 2nd June 2022.
The objection letter (redacted) can be seen as Appendix 5.

Other options

- 6.1 • Not to confirm the TPO

Financial and value for money issues

- 7.1 None.

Legal implications

- 8.1 Before confirming the TPO the LPA must consider valid objections to the making of the TPO.

Climate implications

- 9.1 None

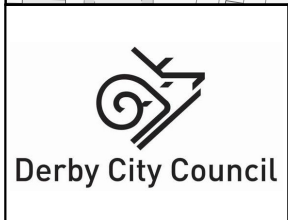
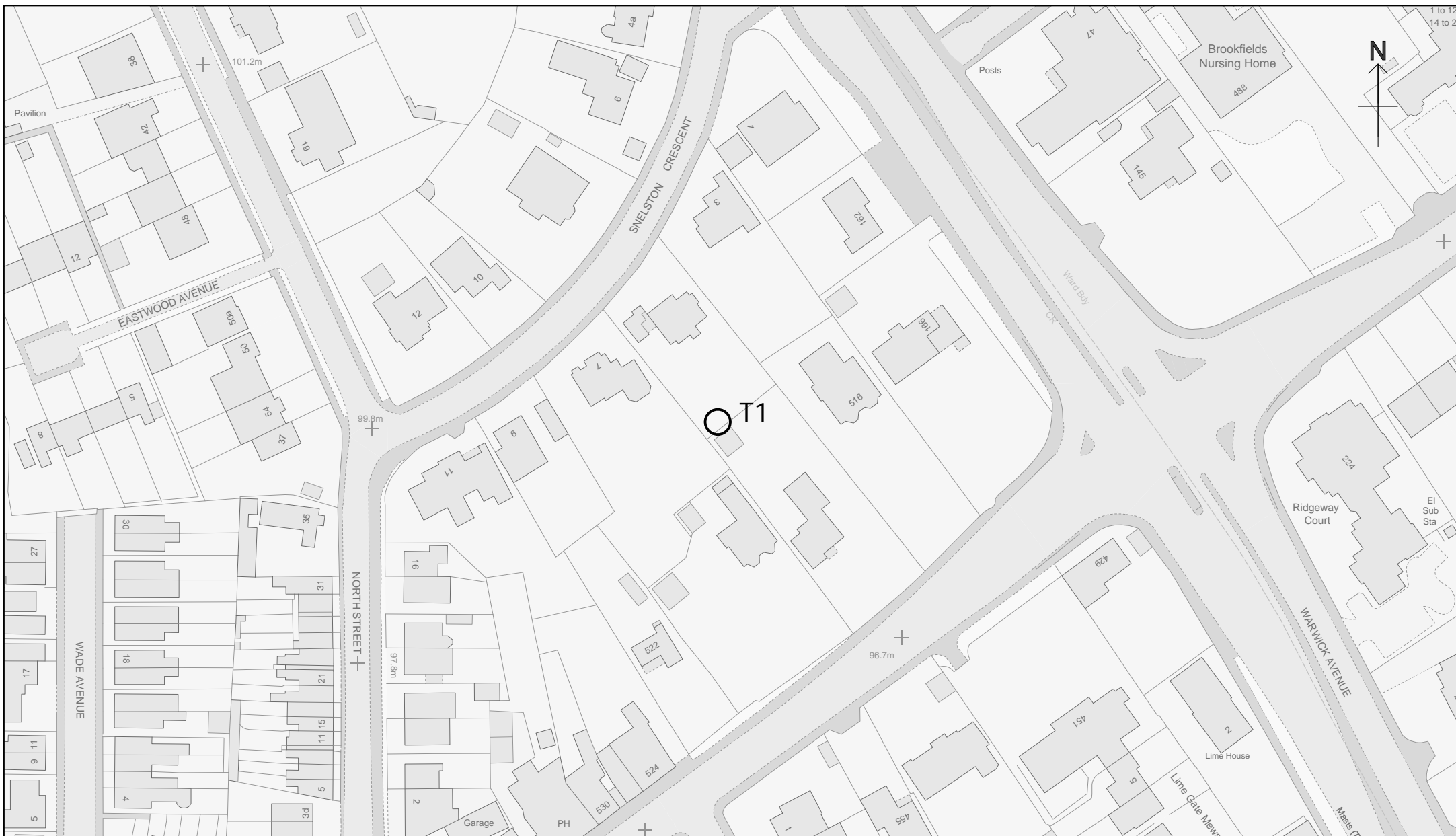
Other significant implications

- 10.1 The tree owner is still responsible for the tree and does have a duty of care to take reasonable steps to ensure that their trees do not cause damage to people and/or property. However, they are under no legal obligation to stop branches growing over another property and they are not responsible for any leaves, sap and seeds/cones that fall from the tree
- 10.2 With regards to any alleged damage to the garage foundations we would require evidence to support this and whether engineered solution could be utilised. Mitigation measures could be pursued by following the TPO tree works application process.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal Finance Service Director(s) Report sponsor Other(s)	Paul Clarke	05/07/2022

Background papers: List of appendices:	Appendix 1 (TPO plan) Appendix 2 (TPO schedule) Appendix 3 (Photos of trees) Appendix 4 (Amenity evaluation) Appendix 5 (Objection letter)
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Derby City Council (5 Snelston Crescent, Derby)
Tree Preservation Order 2022, Number 608
Appendix 1

Drawing No: TPO No.608
Date: 06/05/2022
Map Scale: 1:1250
Contact: Andy Shervill
Department:
Communities and Place
Telephone Number: (01332) 640666

 Ordnance Survey
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Town and Country Planning Act 1990

The [*Derby City Council (5 Snelston Crescent, Derby)* *Tree Preservation Order 2022, Number 608*]

The [*Derby City Council*], in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 make the following Order –

Citation

1. This Order may be cited as [*Derby City Council (5 Snelston Crescent, Derby)*
Tree Preservation Order 2022, Number 608]

Interpretation

2. - (1) In this Order “the authority” means the [*Derby City Council*].
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. - (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. - In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

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Dated this [17th] day of (May 2022]

[if the Council's Standing Orders require the sealing of such documents:]

~~[The Common Seal of [Derby City Council]~~

~~was affixed to this Order in the presence of—~~

~~.....]~~

[if the Council's Standing Orders do not require the sealing of such documents:]

[Signed on behalf of the [Derby City Council]



.....

Verna Bayliss - Director of Planning, Transportation and Engineering

Authorised by the Council to sign in that behalf]

~~[CONFIRMATION OF ORDER~~

~~[This Order was confirmed by [Derby City Council] without modification on the
[] day of []]~~

~~OR~~

~~[This Order was confirmed by the [Derby City Council], subject to the modifications
indicated by [], on the [] day of []]~~

~~[Signed on behalf of the [Derby City Council]~~

~~Authorised by the Council to sign in that behalf]~~

~~[DECISION NOT TO CONFIRM ORDER~~

~~[A decision not to confirm this Order was taken by [Derby City Council] on the []
day of []]~~

~~[Signed on behalf of the [Derby City Council]~~

Classification: OFFICIAL

Classification: OFFICIAL

.....

~~Authorised by the Council to sign in that behalf~~

~~[VARIATION OF ORDER~~

~~[This Order was varied by the [*Derby City Council*] on the [] day of [] by a variation order under reference number [] a copy of which is attached]~~

~~[Signed on behalf of the [*Derby City Council*]~~

.....

~~Authorised by the Council to sign in that behalf~~

~~[REVOCATION OF ORDER~~

~~[This Order was revoked by the [*Derby City Council*] on the [] day of []]~~

~~[Signed on behalf of the [*Derby City Council*]~~

.....

~~Authorised by the Council to sign in that behalf~~

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Article 3

SCHEDULE**Specification of trees****Trees specified individually**

(encircled in black on the map Appendix 1)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[T1]	Pine	Located in the rear garden of 5 Snelston Crescent adjacent to the south boundary with 518 Burton road.

Trees specified by reference to an area on Appendix 1

(within a dotted black line on the map Appendix 1)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[None]		

Groups of trees

(within a broken black line on the map Appendix 1)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
[None]		

Woodlands

(within a continuous black line on the map Appendix 1)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[None]		

TPO No.608 photos:

View from Burton Road



View from garden of 55 Snelston Crescent



View from Snelston Crescent



Date: -		06/05/2022		Surveyed by: Andrew Shervill	
Site: 5 Snelston Cres		Ref T1			
Species: Scots Pine					
1	Size	SCORE (A)	6	Suitability to area	SCORE (B)
1	Very small 2-5m ²	6	1	Just suitable	4
2	Small 5-10 m ²		2	Fairly suitable	
3	Small 10-25 m ²		3	Very suitable	
4	Medium 25-50 m ²		4	Particularly suitable	
5	Medium 50-100 m ²				
6	Large 100-200 m ²				
7	Very large 200 m ² +				
2	Life expectancy		7	Future amenity value	
1	5-15 years	4	0	Potential already recognised	1
2	15-40 years		1	Some potential	
3	40-100 years		2	Medium potential	
4	100 years +		3	High potential	
3	Form		8	Tree influence (current or future)	
-1	Trees which are of poor form	1	-1	Significant	-1
0	Trees of not very good form		0	Slight	
1	Trees of average form		1	Insignificant	
2	Trees of good form				
3	Trees of especially good form				
4	Visibility		9	Added factors	
1	Trees only seen with difficulty or by a very small number of people	2	If more than one factor relevant maximum score can still only be		
2	Back garden trees, or trees slightly blocked by other features		1	Screening unpleasant view	0
			1	Relevant to the Local Plan	
3	Prominent trees in well frequented places		1	Historical Association	
		1	Considerably good for wildlife		
			1	Veteran tree status	
5	Other trees in the area		4		
0	Wooded surroundings	1			
1	Many				
2	Some				
3	Few				
4	None				
Score column A		14	4		
The suitable benchmark rating for inclusion within a TPO is 15			10	Rating A+B	
				18	

Typical useful life expectancy of common trees.

300+ Yew

200-300 Oak, Sweet Chestnut, Plane, Sycamore, Lime

150-200 Scots Pine, Hornbeam, Beech, Tulip Tree, Norway Maple, Lebanon Cedar

100 -150 Ash ,Spruce, Walnut, Red Oak, Horse Chestnut, Field Maple, Monkey Puzzle, Mulberry, Pear

70 - 100 Rowan, Whitebeam, Apple, Gean, Catalpa, Robinia, Ailanthus

50 - 70 Poplars, Willows, Cherries, Alders, Birches.

TPO No.608 objection letter.

I would like to raise a formal objection to the above-mentioned order for the following reasons :

The grounds for making the order are that it is for the protection in the interests of public visual amenity. However, based on the location of the tree it certainly cannot be seen from the main Burton Road and I doubt whether it can be seen from Snelston Crescent. There are only half a dozen properties that are able to see it from their back gardens.

Based on the location of the tree, most of the branches overhang on my garage , driveway in front of the garage and some of my back garden. If the Council decides to go ahead with the TPO then I would like to know who will be responsible for ensuring that the tree is regularly pruned. The cones and the needles from the tree are an absolute nuisance. Who is expected to clean these up ?

I believe that there maybe structural damage being caused to my garage building which may get worse. Who will be responsible for this ?

I would be prepared to reconsider my decision if I could be given reassurances for the regular pruning of the tree, cleaning up of the cones/needles and about any further structural damage to my garage building.

In my view, it seems totally unfair that just because the Council has decided to make a TPO then I should be put to a detriment without the Council or anyone else taking responsibility for the removal of the cones and needles and potential damage to my garage and its foundations.