



DERBY CITY COUNCIL

PLANNING CONTROL COMMITTEE
3 APRIL 2008

ITEM 8a

Report of the Assistant Director - Regeneration

Tree Preservation Order 2008 Number 510 (28 Park Lane, Allestree)

RECOMMENDATION

1. To approve confirmation, without modification, Tree Preservation Order 2008 number 510(28 Park Lane, Allestree).

SUPPORTING INFORMATION

- 2.1 On 25 January 2008 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 28 Park Lane, Allestree, as shown on the plan attached as Appendix 2.
 1. The reason why the TPO was made is cited as: The tree indicated in this Order is proposed for protection in the interests of visual public amenity. The tree is situated in a prominent position and can be appreciated from the immediate vicinity as well as being visible to the general public, it contributes materially to the amenities of the locality by playing an important part in providing a sense of scale and maturity and by contributing significantly to the general greening effect on the immediate and surrounding area. A proposal to remove the tree has led to this order being made.
- 2.2 A letter objecting to the TPO was received from David Cleveley (Dunmar Developments). A copy of the objection letter is attached as Appendix 3.
- 2.3 The main points of Mr Cleveley's objection are listed below followed by the Assistant Directors response.
- 2.4 **Mr Cleveley's objection point one:** A recent survey undertaken by Charnwood Tree Services recommended that the tree be felled because it displayed symptoms (in their opinion) consistent with Ganoderma (a type of decay that could render the tree unstable), and that the tree also exhibited a pronounced lean towards a neighbouring property. They had been advised that the tree should be removed as it posed a potential risk to both properties and their residents.

- 2.5 **Assistant Director's response to point one:** A visual tree assessment was carried out by the Tree Preservation Order Officer prior to making the order to identify any outward signs of decay or any other hazardous factor that might make the tree unsuitable for inclusion in a Tree Preservation Order. The inspection found nothing that signified that the tree should not be included in a TPO. Upon receiving the tree report that was submitted as part of the objection, another visit was made by the Council's Tree Preservation Order Officer this time accompanied by one of the Council's Arboricultural Officers. This visit confirmed the findings of the previous visit as there was no evidence of the alleged Ganoderma. Also, whilst we acknowledge that the Beech tree is some 3-5 degrees off perpendicular, this is not considered to represent a hazard in itself. We consider that the public amenity value of the tree is of such significance that it should be protected until such a time that conclusive evidence is submitted that justifies its removal.
- 2.6 **Mr Cleveley's objection point two:** Mr Cleveley did not feel that the tree's position was as prominent as described in the formal notice of the TPO as it is situated in a rear garden, set well back from Park Lane and sheltered from public view from Allestree Park by the nearby wood.
- 2.7 **Assistant Director's response to point two:** I agree that the view of the tree from Park Lane is limited and that the tree is situated in the rear garden of the property. It is however the view from the wood that Mr Cleveley makes reference to that provides a clear opportunity for the public to appreciate the amenity the tree offers. Further within the wood there is a Council maintained footpath that runs through the wood past the rear garden of this property, from where there is a good view of the tree. In addition 3 letters of support have been received in the support of this order (appendix 4).

For more information contact:	Jason Humphreys, Tree Preservation Order Officer, Tel - 01332 256031 E-mail – jason.humphreys@derby.gov.uk
Background papers:	Tree Preservation Orders, A Guide to the Law and Good Practice
List of appendices:	Appendix 1: Implications Appendix 2: Plan of tree's location Appendix 3: Letter of objection Appendix 4: Letters of support

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.

Corporate objectives and priorities for change

4. The confirmation of Tree Preservation Order 2008 Number 510 will support the Council's vision and priorities by contributing to the priority "Leading Derby towards a better Environment".



DERBY CITY COUNCIL

**DERBY CITY COUNCIL
TREE PRESERVATION ORDER**
Map referred to in the Derby City Council
28 Park Lane Allestree(Derby)

Tree Preservation Order 2008 No. 510

Regeneration and Community
Roman House
Friar Gate
Derby
DE1 1XB



1:1250

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(100024913) (2008)

Mr J Humphreys
Derby City Council
Regeneration and Community Department
Roman House
Friargate
Derby
DE1 1XB

Your Ref: JH/PL/510

Our Ref: PL/TPO/1

Date: 11th February 2008

Dear Mr Humphreys,

RE: Tree Preservation Order Number 510- 28 Park Lane, Allestree, Derby.

Further to your letter dated 25th January 2008, regarding the aforementioned tree preservation order, please accept this letter as our formal objection.

The grounds for objection are highlighted in the attached tree survey undertaken by Jo Richardson of Charnwood Tree Services. The survey reports that the tree in question, an over mature *Fagus sylvatica* (Beech), has developed Ganoderma, a fungus which can cause the tree to rot at ground level and become unstable. The tree is approximately 30m tall and is growing 16.4m from the rear of the main house forming 28 Park Lane and only 9m from the neighbouring garden of No. 26 Park Lane, therefore we have been advised that the tree should be removed as soon as possible as it poses a potential risk to both properties and their residents.

Notwithstanding the above we do not feel that the tree's position is as prominent as described in the formal notice. The tree is situated in a private rear garden, set well back from the public area of Park Lane on the southern boundary and sheltered from view from Allestree Park by the nearby wood adjacent to the properties northern boundary.

Should you require any further information or wish to discuss the attached report then please do not hesitate to contact me. If you should wish to inspect the tree yourself, I would be grateful if you would notify me prior to your visit, in order for me to arrange access.

Yours sincerely

David R. Cleveley
Dunmar Developments Limited

Humphreys, Jason

From: karen sherwin
Sent: 08 February 2008 18:22
To: Humphreys, Jason
Subject: Tree Preservation Order 510

Sir,

I am writing to inform you how delighted we are that you are putting a tree preservation order on the beech tree at 28 Park Lane, Allestree. I understand that you only require objections but this is a beautiful tree which we can see from our houses at 17 and 19 Park Lane, Allestree.

We know that this site has been bought for housing development and we have already (as you are no doubt aware) lost several trees. This is another detrimental step in changing and spoiling the lovely area we live in. It is a joy to live in a mature area close to Allestree Park.

We cynically await the sound of chain saws in the near future and the loss of a truly beautiful very old tree. Keep up the good work.

The occupants of 17 and 19 Park Lane, Allestree

Karen Sherwin

Sounds like? How many syllables? [Guess and win prizes with Search Charades!](#)

Humphreys, Jason

From: Alison Molyneux
Sent: 15 February 2008 12:40
To: Humphreys, Jason
Subject: Tree Preservation Order 2008 Number 510 - 28 Park Lane, Allestree, Derby

Dear Mr Humphreys,

I am writing in support of the above TPO and would encourage the City Council to confirm this designation at the end of the 6 month "temporary" period.

The tree involved is a prominent local landmark which has been in place for as long as many local residents can remember. It is appreciated both by local residents and users of Allestree Park.

Indeed, Derby planning application R/01/07/00132/PRI shows that a section of Allestree Park was incorporated into the residential curtilage of 28 Park Lane in early 2007. Review of the associated plans indicates that the above tree is sited either on the section of land involved, or within a few feet of it. Therefore it seems that legally the tree has been either in the Park or within a few feet of its official boundary until last year - all the more reason for it to be preserved for enjoyment by current and future generations.

Yours sincerely

Alison Molyneux
24 Park Lane
Allestree
Derby
DE22 2DT

Humphreys, Jason

From:
Sent: 27 January 2008 16:53
To: Humphreys, Jason
Subject: Tree Preservation Order 2008 No. 510

22 Park Lane,
Allestree,
Derby.
DE22 2DT

27th January 2008

Jason Humphreys
Tree Preservation Order Officer
Derby City Council

Dear Mr Humphreys,

Re: 28 Park Lane, Allestree, Derby

Our neighbour at No. 26 Park Lane has informed us that Tree Preservation Order No. 510 has been made for a tree in the garden of at 28 Park Lane. We live just below the property and can clearly see the beautiful tree in question. We totally agree with every reason you have given for the protection of this large tree, which appears to be the only one remaining in this garden after all others were felled with or without permission 2/3 years ago.

May we enquire as to reason that a proposal has been made to remove this tree at this time? As the property is now owned by a Development Company we would hope that whatever is planned for this site will not cause the destruction of a beautiful tree which has stood proudly for so many years.

We fully support the Tree Preservation Order made for six months and sincerely hope that, within this period, the Council will confirm that it becomes permanent.

Yours faithfully,

Mr. and Mrs. S.J Wrenn