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REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM:	6
DATE OF MEETING:	16 May 2006	CATEGORY:	DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN	
MEMBERS' CONTACT POINT:	NICKY TOON	DOC:	
SUBJECT:	TREE PRESERVATION ORDER 260 12 Newton Park, Newton Solney	REF:	
WARD AFFECTED:	REPTON	TERMS OF REFERENCE:	DC01

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### 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 20 March 2006 in respect of a Swamp Cypress located at 12 Newton Park, Newton Solney.

The Order was made for the following reason:

'This is a rare and visually important tree in this location within a small residential area characterised by its treescape. The tree is a prominent feature clearly visible within the estate and from Newton Road and is considered to be of particular amenity value in this location. In view of the rarity and amenity value of this tree the Council consider it expedient that the order is made.'

3.2 Comments have been received from the occupier of 12 Newton Park as follows:

- "A Swamp Cypress is usually grown adjacent to water as the roots require excess moisture to exist". With there being no lying water in the occupier's garden they consider that the tree will be constantly drawing water from the environment and causing damage to the foundations and drainage of the property.
- There is concern regarding the risk to property and human life should the tree or branches be damaged due to storms and that the tree already leans towards the property due to the prevailing westerly wind.

The occupier of 12 Newton Park has confirmed that if allowed to remove the tree they will plant a more suitable tree to complement their existing private garden.

3.3 The occupier of 12 Newton Park has also submitted a report from consultant, Rodney Helliwell, dated January 2006, regarding the Swamp Cypress of which the main points are:

- The tree is approximately 17.5m tall and situated about 5.2m from the western wing of the house, towards which it leans, and about 6.7m from the main part of the house.
- The lower 3m of the stem are clear of branches and views of or from the house are not obscured although the owner considers it "uncomfortably close".
- Although some branches have broken off in previous storms the tree, as a whole appears to be in sound condition.
- The tree is visible within Newton Park and, from a distance, Burton Road although it forms a "visual 'exclamation mark' where none appears to be needed."
- In conclusion Rodney Helliwell suggests the removal of the Swamp Cypress.

3.4 Comments have been received from the occupier of 13 Newton Park as follows:

- Concern regarding the considerable increase in height of the tree since it was planted.
- Although the tree does not affect the occupier of No 13 in any way they have expressed concern that in a strong gale the tree could fall towards the house causing damage.
- Concern regarding the damage from the root system.

3.5 In answer to the comments made the Council's landscape architect has the following comments:

- The tree is a very fine, rare conifer which is considered to be in a safe state. The main management requirements of the tree will be from the falling leaves around December/January.

#### **4.0 Planning Assessment**

4.1 It is expedient in the interests of amenity to make this tree the subject of a Tree Preservation Order. The tree is visually important within this residential area and considered to be of particular amenity value.

#### **5.0 Conclusions**

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

#### **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 20 March 2006 Tree Preservation Order

9.2 22 March 2006 letter of objection and report from consultant Rodney Halliwell

9.3 29 March 2006 letter of objection

