

**REGENERATION & COMMUNITY  
DIRECTORATE**

**Development Services**

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Acting Development Manager (Job Share)**

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TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION FOR WORKS TO TREES LOCATED WITHIN A CONSERVATION AREA**

**FELL ONE CEDAR TREE IN FRONT GARDEN**

**at WILLOW SPRINGS, RECTORY LANE, BREADSALL, DERBYSHIRE, DE21 5LL FOR  
MR M SCARGILL**

**TREE/0110/1123 submitted on 22 January 2010**

Erewash Borough Council having considered an application for the above works hereby in pursuance of their powers under the above-mentioned Act

**GRANT CONSENT**

in accordance with the application, subject to compliance with the following conditions:-

- 1 The work authorised shall be carried out within 2 years of the date of this consent unless the Local Planning Authority has agreed a written variation.

Reason

Beyond that period the health and visual appearance of the tree would need to be reassessed.

- 2 The tree works hereby approved shall be carried out in accordance with BS 3998 (Recommendations for Tree Work 1989).

Reason

In the interests of the health and visual appearance of the trees.

Date 17 February 2010

Signed \_\_\_\_\_  
Development Manager

ATTENTION IS CALLED TO THE NOTES OVERLEAF

### **Notes to Applicant**

Your attention is drawn to the rights of Appeal set out on the attached sheet.

This consent applies only to the works described above. Works carried out which do not accord with those specified may render the person responsible liable to prosecution.

If the tree(s) overhang or straddle land in different ownerships you are advised to discuss your proposals with other owners of the tree, and for the avoidance of doubt, this consent does not give you any right to go onto your neighbours land in order to carry out the work.

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 9588248. If bats are present you should contact English Nature on 01476 568431.

### **RIGHTS OF APPEAL**

If the applicant is aggrieved by the decision of the Borough Council to impose conditions on the grant of consent, then he or she may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 within twenty eight days of receiving this notice.

Appeal forms can be obtained from The Environment Appeals Team, The Planning Inspectorate, Trees and Hedges, Room 4/04 Kite Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN, telephone 0117 372 6382 or 8812, e mail: [environment.appeals@pins.gsi.gov.uk](mailto:environment.appeals@pins.gsi.gov.uk)

# TREE APPLICATION ASSESSMENT FORM

**TREE/0110/1123**

**ADDRESS:**

Willow Springs  
Rectory Lane  
Breadsall  
Derbyshire

**DESCRIPTION**

FELL ONE CEDAR TREE IN FRONT GARDEN

**SITE AND SURROUNDINGS**

The application relates to a small Cedar tree which is situated close to the SW side of the dwelling. The property is within the Breadsall Conservation Area.

**APPLICATION DETAILS**

The proposal is to fell the Cedar tree on the grounds that it is causing damage to an adjacent retaining wall and is in close proximity to the foundations of the dwelling.

**CONSULTATIONS**

EBC Tree Consultant – no objection to the proposal on grounds that the Cedar is currently small and of little visual significance in the vicinity, but if it is allowed to grow, its size would be inappropriate due to the proximity of the dwelling.

**REPRESENTATIONS**

Site notice put up 02/02/10

No representations received

**CONSIDERATIONS**

The trees within the Breadsall Conservation Area are considered to contribute the character and appearance of the Area.

However, in line with the comments from the EBC Tree Consultant, it is considered that the Cedar tree in question is not of significant visual amenity value at present, and because of its position (i.e. in close proximity to the dwelling and a retaining wall) it would be inappropriate to allow it to grow to maturity. For these reasons it is not considered to be an appropriate subject for protection by a Tree Preservation Order.

A replacement tree cannot be required within a Conservation Area, but this location is considered to be inappropriate for a replacement tree in any case.

**RECOMMENDATION**

APPROVE

**CONDITIONS & REASONS**

Standard tree conditions x 2 (Time and BS)

Officer: Mrs P McHugh  
Signed:

Date: 16/02/10

Checked By:  
Date: