

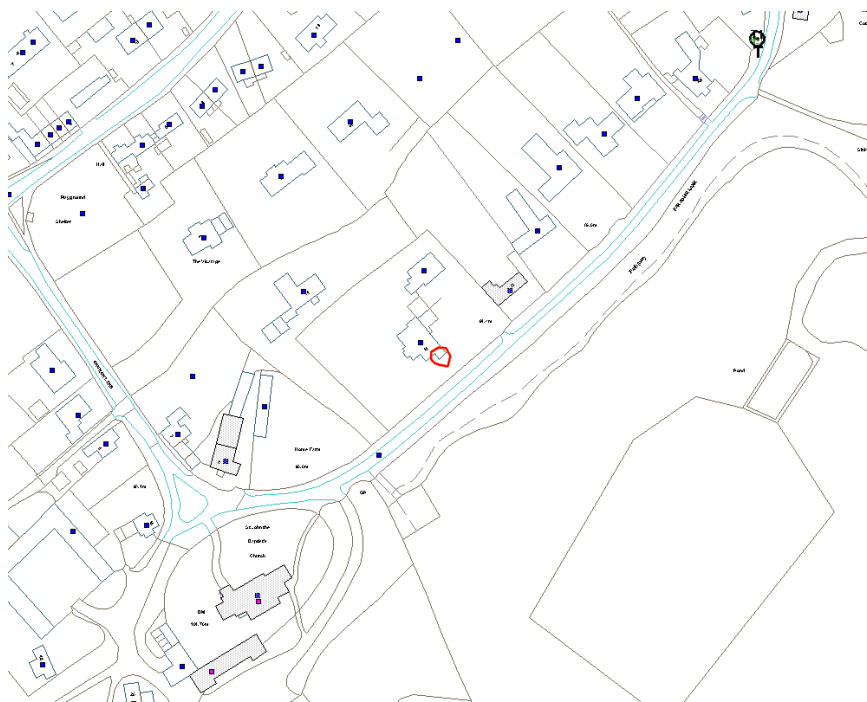
**Reference:** 13/00890/TPO  
19<sup>th</sup> December 2013

**Date Submitted:**

**Applicant:** Crawford and Company

**Location:** Parsonage House, 13 Paradise Lane, Old Dalby

**Proposal:** Fell one Wellingtonia (Redwood) Tree



**Introduction:-**

**The proposal is to fell one tree**

The application site is located within the village envelope and Conservation Area for Old Dalby.

The application has been received with an Arboricultural Desktop Appraisal Report, Laboratory Report, Technical Report on a subsidence claim with an Addendum and a Site Investigation Report.

The application is to be considered by Committee as the tree belongs to a Ward Councillor.

**Relevant History:-**

09/00800/TCA - Remove 1 Yew tree also reduce and reshape 16 trees including 4 Yew, 1 Cotoneaster, 1 Crab Apple, 3 Acer, 1 Cherry, 1 Larch, 1 Prunus, 1 holly, 1 laburnum, 1 evergreen oak and 1 Lime Tree to a maximum of 30%. – approved 27.11.09

11/00760/TCA - Removal of 1 Evergreen Oak tree. – approved 11<sup>th</sup> November 2011

12/00036/TCA – Removal of one Redwood tree and two Yew trees – withdrawn

12/00599/TCA – Removal of one wisteria tree – application not required – closed  
 12/00737/TCA – Fell one Wellingtonia tree – refused and Tree Preservation Order placed on the tree  
 13/00351/TCA – removal of one yew tree – approved 20<sup>th</sup> May 2013

**Policies & Guidance:-**

**DETR Tree Preservation Order: A Guide to the Law and Good Practice** states that in considering an application for the removal of a tree protected by a TPO the Local Planning Authority are advised:

- 1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- 2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. They are advised also to consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

**Melton Local Plan (saved policies)**

The site is located within the Village Envelope and Conservation Area for Old Dalby as defined within the saved Melton Local Plan. Any tree covered by a Tree Preservation Order cannot be felled, lopped, topped or uprooted without the consent of the Council.

There are no relevant Local Plan Policies applicable when considering this form of notification. The main criteria to be considered is whether the trees concerned have any amenity value, and whether the proposed works are appropriate.

**Consultations:-**

There is no statutory requirement to consult members of the public or any other agencies concerning the remedial works, however a site notice was posted at the entrance to the site advertising the proposed felling of the Wellingtonia.

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Parish Council</b> No comments received to date</p>	<p>Noted</p>
<p><b>LCC Arboricultural Officer</b> The Giant sequoia or Wellingtonia (<i>Sequoiadendron giganteum</i>) is a rapidly maturing specimen which is currently in the early stages of expected lifespan and stands some 20 metres tall. The tree has lost the apical branches in its very upper canopy some 20 years ago. However it has produced new growth which has sufficiently developed into the main stem leader. It is conservatively estimated that the tree is 100-150 years old. Trees of this species were commonly planted around the mid to late 1800's following the death of Field Marshal Arthur Wellesley, 1<sup>st</sup> Duke of Wellington (1769-1852) from whom the trees take their common English name. The date of construction for Parsonage House (circa 1850) and the propagation of sequoia seeds in the UK (circa 1853) are very close together.</p> <p>Concerns have been raised over the effect that the tree is exerting on soil moisture levels and the potential for vegetation related subsidence to the property.</p> <p>The amenity value of the tree is very high, given its age, size and location. The tree is prominently visible from Paradise Lane; it is also possible to view the upper canopy of the tree from both Main</p>	<p>Noted, the arboricultural officer has recommended that the Tree Preservation Order be removed from the tree. This, in effect, would lead to the tree being felled.</p> <p>Many other trees within the vicinity of Parsonage House have been removed and the subsidence has not been assuaged. This would lead to suggest that the Wellingtonia is the cause and, therefore, should be removed.</p> <p>(n.b. the Council has no policy or practice of adjudicating such applications by means of the CAVAT methodology, or similar)</p>

Road and Church Lane.

Following previous applications a series of level monitoring was carried out in order to determine the extent of movement within the property. The level monitoring was conducted between December 2012 and October 2013. A majority of the monitoring points showed movement which is indicative of seasonal variation, i.e. a downwards movement through summer months as the soil is desiccated and an upwards movement during the winter months as the soils are re-hydrated. However, the monitoring points nearest to the Wellingtonia showed an overall downward movement between winter and autumn. A downward movement of this nature in close proximity to a mature tree could be considered as vegetation related subsidence.

An estimate for the cost of repairs to the property and underpinning has been provided by the applicants, this cost is in excess of £50,000. Within the submitted engineers report the level of damage was graded under BRE digest 251 as category 2 (slight). It is my understanding, from the BRE digest, that repairs of this nature constitute the filling of cracks, paper and pasting over minor damage and the re-pointing of brickwork – no mention of underpinning is given for damage of this category. However, consideration has been given, by the applicant and their agents, to underpinning of the property. On the understanding that the underpinning is constructed to the relevant standard, and that the future growth of the tree is taken into account, it would be fair to assume that works of this nature would be sufficient to remedy the current incident and to prevent the potential for any future episodes of subsidence. The use of underpinning would then allow for the tree to be retained.

Using a quantified method for measuring the amenity value of trees (CAVAT) the tree currently carries a value in excess of £80,000. Whilst it would be reasonable to consider that the tree has a value higher than that of cost of repairs (e.g. £50,000) it should be noted that other methods of assessing the amenity value of a tree may have a lower final total. In this instance the debate as to which has a greater value, the property or the tree, could be irrelevant and inconsequential.

There are two other points to consider whilst making an assessment of the value of the tree against the nature of damage and cost of property repairs:

- i) The public enjoyment of the tree (amenity value) against the private enjoyment of the property;
- ii) Refusal to remove the TPO from the tree may result in Melton BC being held liable for the cost of repairs.

Given all of the comments in this and the previous report as well as those submitted by the

<p>applicant/agent <i>It would be fair to assume that there is a significant case to be made for the removal of the TPO.</i> The initial creation of the TPO was made in the context of the value of the Wellingtonia; the removal of other mature trees prior to 12/00737/TCA being submitted (which may have been considered as the principle cause of subsidence e.g. a mature Holm oak); and the limited evidence to support the claims of subsidence under a TCA. <b>However, since the creation of the TPO the applicant and their agents have compiled data which would indicate the Wellingtonia to be a principal cause of subsidence at Parsonage House.</b></p>	
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**Representations:** None

**Other material considerations (not raised through consultation or representation)**

Consideration	Assessment of Head of Regulatory Services
<p><b>Assessment of the tree</b></p> <p>In assessing an application for works to a tree with a preservation order upon it the Local Planning Authorities' main consideration should be to assess the amenity value of the tree. Special attention must be paid to the desirability of preserving the character or appearance of the Conservation Area.</p>	<p>The tree is located within the grounds of Parsonage House, Paradise Lane, Old Dalby. The grounds of Parsonage House are mature gardens with several trees and shrubs. The mature Redwood (sequoia) tree is located to the front of the property. The previous application to remove the tree (12/00737/TCA) was submitted alongside reports which lacked the evidence to support the tree's removal. At this point a Tree Preservation Order was placed on the tree in order to retain and protect it.</p> <p>The current application has now been submitted with further evidence which would support the tree's removal.</p> <p>The application has been received with accompanying technical reports and it is known that some cracking to the internal walls of Parsonage House have taken place over several years and the sequoia has been implicated as a contributory factor in subsidence damage related to clay shrinkage. The request to remove the tree is to prevent a recurrence of the damage once the cracks are repaired.</p> <p>The Wellingtonia tree lies in a very prominent position adjacent to the boundary with Paradise Lane. The tree is large and was probably planted around the time of the building of the property, therefore being over 100 years in age. The tree is a splendid, semi-mature specimen with good amenity value.</p> <p>In view of the results of the reports submitted with the application it is agreed that the tree is probably the source of subsidence within the property and, despite its high amenity value it would be appropriate to remove the tree.</p>

## **Conclusion**

It is considered that the Wellingtonia (sequoia) tree is likely to be the cause of further subsidence to Parsonage house and therefore a sufficient case has been put forward in order to allow the removal of the tree.

## **RECOMMENDATION:- Permit, subject to the following conditions;**

1. This consent is granted subject to the planting of a replacement tree(s), the species, size and location of which shall be agreed in writing by the Local Planning Authority. The replacement tree(s) shall be planted at the first available planting season.
- 2 All tree works shall be carried out to BS3998, 2010.
- 3 The works hereby approved shall be begun before the expiration of 2 years from the date of this permission

The reasons for the conditions are:-

1. To preserve the visual amenities of the locality.
2. To ensure that the works are carried out to a satisfactory standard to safeguard the trees
3. To ensure that the works are begun within a reasonable period

Officer to contact: **Mrs Karen Jensch**

**3<sup>rd</sup> February 2014**