

Reference: 14/00563/TCA

Date

Submitted: 11th July 2014

Applicant: Mr M Graham

Location: The Cottage, 1 Main Street, Sproxton LE14 4QS

Proposal: To fell 4 leylandii trees, crown lift 1 holly tree, crown lift and crown clean 1 beech tree, 2 sycamore trees and 3 ash trees and reduce a limb growing into a copper beech tree



Introduction:-

The proposal is as delineated above:

The application site is located within the Village Envelope and Conservation Area for Sproxton. The application is to be considered by Committee as the trees belong to Councillor M Graham ,a Member of Melton Borough Council.

Relevant History:-

02/00524/TCA - Proposal to cut down and uproot two conifers – approved 7th August 2002

Policies & Guidance:-

DETR Tree Preservation Order: A Guide to the Law and Good Practice

The Town and Country Planning Act 1990 makes special provision for trees in Conservation Areas which are not the subject of a Tree Preservation Order. Under Section 211 anyone proposing to cut down or carry out works on a tree in a Conservation Area is required to give the Local Planning Authority six weeks' prior notice (a 'section 211 notice'). The purpose of this requirement is to give the Local Planning Authority an opportunity to consider whether a Tree Preservation Order should be made in respect of the tree.

What the Local Planning Authority can do:-

The Local Planning Authority can deal with a section 211 notice in one of three ways. They may:

- (1) Make a TPO if justified in the interests of amenity. The proposal would then have to be the subject of a formal application under the TPO 112 or
- (2) Decide not to make a TPO and allow the six week period to expire, at which point the proposed work may go ahead as long as it is carried out within 2 years from the date of the notice, or
- (3) Decide not to make a TPO and inform the applicant that the work can go ahead.

The Local Planning Authority cannot refuse consent. Nor can they grant consent subject to conditions (such as a condition requiring the planting of a replacement tree). This is because a section 211 notice is not, and should not be treated as, an application for consent under a TPO.

The Local Planning Authorities' main consideration should be whether the trees merit a TPO. The Authority should therefore 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. Responses to any publicity should also be considered. If the LPA decide that the tree does not merit a TPO they should either allow the six week period to expire or write to the person who gave the section 211 notice to say the work may go ahead. They may wish to offer practical advice on how the work should be carried out, but they cannot impose conditions.

Melton Local Plan

The site is located within the Village Envelope and Conservation Area for Sproxtton as defined within the saved Melton Local Plan.

There are no relevant Local Plan Policies applicable when considering this form of notification. The notification is to give the Council the opportunity to serve a Tree Preservation Order if necessary. 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 on this form of notification.

Consultation reply	Assessment of Head of Regulatory Services
Parish Council	None received to date

Representations:

None have been received to date.

Assessment

The grounds of 1 Main Street Sproxtton are expansive and none of the trees are immediately visible from the Main Street. The felling of the very large leylandii trees is to be recommended as they are extremely large and are causing damage to the applicant's wall and are overshadowing a neighbour.. The works to the various other trees would be classed as good maintenance.

Conclusion

It is considered that the trees are not considered to merit protection by means of a Tree Preservation Order and the proposed works would be considered acceptable.

RECOMMENDATION: - The trees are not worthy of a Tree Preservation Order and the suggested works are considered acceptable.

Officer to contact: **Mrs Karen Jensch**

Date: 20th August 2014

