

PLANNING COMMITTEE

28 NOVEMBER 2013

TREE PRESERVATION ORDER – REF: 151/919/7 GROUNDS OF 5 SANDY LANE, SCALFORD

REPORT OF THE HEAD OF REGULATORY SERVICES

1. PURPOSE

- 1.1 The purpose of this report is to inform the Committee of one letter of representation received from the owner Mr R S Etherington and to invite the Committee to determine whether or not to confirm the Provisional Tree Preservation Order.

2. RECOMMENDATION

- 2.1 **That, in the interests of amenity, the Provisional Grounds of 5 Sandy Lane, Scalford Tree Preservation Order 2013, should be confirmed, as issued.**

3. RELEVANT HISTORY

- 3.1 An application 08/00745/TCA was received to crown reduce the willow tree by 30% was permitted on 09.10.2008
- 3.2 An application 11/00864/TCA was received to remove willow tree – and was withdrawn on 8.12.2011

4. DETAIL

- 4.1 A notification (Ref: 043/13T) to undertake the pollarding of one weeping willow tree within the grounds of 5 Sandy Lane, Scalford was submitted to the Council on 4th September 2013 and following the previous history on the tree and the usual consultation with the Council's arboricultural advisor a Tree Preservation Order was placed on the tree on 6th September 2013.
- 4.2 It was considered that the tree is important within the street scene and made a contribution to the visual amenity of the area. It was also considered that the tree was under threat.
- 4.3 The grounds of The Retreat, 5 Sandy Lane, Scalford Tree Preservation Order, 2013 (Ref: 151/919/7) was served on 6 September 2013 in the form of an order which specified the individual tree.
- 4.4 This Tree Preservation Order is currently a Provisional Order and this Council have a period of six months to confirm it unaltered, modify or revoke it. Therefore the Council has until 6 March 2014 to reach a decision.

5. OBJECTION TO THE ORDER

- 5.1 The owner of the tree, has registered his objection to the Provisional Tree Preservation Order, on the following grounds:
- That the tree will be unsafe for pedestrians and vehicles on Church Street and also to children within the garden of 5 Sandy Lane.

- That the aesthetic appeal of the tree (after the agreed works) would be reduced.

6. ASSESSMENT

6.1 Policies & Guidance:-

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

The Local Planning Authority's main consideration should be whether the tree merits 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.

6.2 The amenity value and health of the tree is good

6.3 As part of the original consultation exercise for a previous application in 2011, an inspection of the tree was carried out by the Council's specialist arboricultural advisor. The advisor commented as follows:

The weeping willow is in the middle stage of its lifecycle and is in good health. Its location next to Church Street does make it very dominant in the immediate landscape, where it can significantly contribute to the local amenity value for a number of years.

Although the amenity value of the weeping willow has been compromised by the previous pruning works it still contributes to the biodiversity and amenity value of the area. I feel it would be worthy of consideration for a new Tree Preservation Order (TPO). However; should it be sought, permission should be granted to carry out works to remove the reaction growth arising around the old pruning wounds.

6.4 In view of the advice given by the arboricultural advisor, regarding the tree's good health and both current and future amenity value to Church Lane and the Conservation Area within Scalford, it is recommended that the Tree Preservation Order be confirmed. This would not prevent applications for works in future, supported by relevant information.

Contact Officer:
Date:
Background

Karen Jensch
14th November 2013
Provisional TPO: 5 Sandy Lane, Scalford
Letter of objection from owner Mr Etherington

