

PLANNING COMMITTEE

19 December 2013

TREE PRESERVATION ORDER – REF: 151/920/9 GROUNDS OF 54 MAIN STREET, BURROUGH ON THE HILL, MELTON MOWBRAY

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 agent on behalf of the owner of The Old School, 54 Main Street, Burrough on the Hill 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 54 Main Street, Burrough on the Hill, Tree Preservation Order 2013, should be confirmed, as issued.**

3. DETAIL

- 3.1 A notification (Ref: 13/00104/TCA) to undertake the felling of 1 Walnut and 2 Ash trees within the grounds of 54 Main Street, Burrough on the Hill was submitted to the Council on 19th February 2013 and following the usual consultation with the Council's arboricultural advisor a Tree Preservation Order was placed on the trees on 31st October 2013.
- 3.2 It was considered that the trees are important within the street scene and made a contribution to the visual amenity of the area, particularly the Walnut tree which may be recorded within local history due to its location in an old school yard.
- 3.3 The Grounds of The Old School, 54 Main Street, Burrough on the Hill, Tree Preservation Order, 2013 (Ref: 151/920/9) was served on 31st October 2013 in the form of an order which specified the individual trees.
- 3.4 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 31st April 2014 to reach a decision.

4. OBJECTION TO THE ORDER

- 4.1 The agent MWA Arboriculture, acting on behalf of the owner , has registered their objection to the Provisional Tree Preservation Order, on the following grounds:
- The Walnut tree T1 is implicated in causing damage to the above property and on this basis the order is unjustified and inappropriate.
 - The temporary order was placed after the council had knowledge that the property was suffering damage and if confirmed will significantly extend the time taken to achieve resolution of the damage, cause considerably anxiety and stress to the owner and increase costs.

- Monitoring of the property is on going and technical reports relating to ground investigations, soil and root tests together with engineering and arboricultural opinion will be submitted in August 2013.
- We therefore request that the order is not confirmed until this information is received by the Council

5. ASSESSMENT

5.1 Policies & Guidance:-

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

The Local Planning Authorities' 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.

- 5.2 The amenity value and health of the trees is good with the Ash trees being visible from Main Street. Particular reference is made to the Walnut tree, it's age and place in history together with its prominent landscape feature for users of the public footpaths between Burrough on the Hill and Somerby including other parts of the village.

- 5.3 As part of the original consultation exercise, prior to determination of the TPO application, an inspection of the trees was carried out by the Council's specialist arboricultural advisor. The advisor commented as follows:

T3- ash is a young to middle aged specimen located on the road side boundary of the property. The tree is in moderately good health although, the crown of the tree is slightly asymmetric in appearance due to the presence of the adjacent ash (T2, located on the opposite side of the driveway entrance). The two trees (T3 & T2) form an aesthetically pleasing framework for the driveway. In order to retain T3, in response to the TCA application, a tree preservation order would need to be created.

As no formal reason has been given for the removal of T3 this would seem to be an appropriate measure. Informal information suggests that T3 may be implicated as a contributory factor to subsidence within the property. Without seeing the relevant documentation (soil and root samples, level monitoring, structural engineers and arboriculture report) it is not appropriate to discuss the tree in this context. There are a number of other more dominant ash trees in the local area (i.e. T2 and those located in the field hedgerows adjacent to 54 Main Street). Therefore the removal of T3 would have a nominal impact on the local amenity value. However, given the presence of T2 and the way in which the two trees have developed, along with the limited information supplied in the TCA application, **I would recommend that the removal of T2 is not approved.**

T1 is a large mature walnut which is in very good health and is of a similar age to the property (circa 1873). The tree is not readily viewed from the roadside, however; it is possible to view the tree from the adjacent property (52 Main Street) and the property on the opposite side of the road (29 Main Street). It also creates a dominant landscape feature for users of the two public rights of way between Burrough on the Hill and Somerby (D70 & D72). It may also be possible to view the tree from parts of Somerby village, given that 54 Main Street is situated at a topographically higher

point than Somerby. T1 is worthy of protection under TPO status as it has a high amenity value and may be recorded within local history due to its location in an old school yard. As with T3 no formal reasons have been given for its removal, informal information does indicate the tree is considered as a contributory factor to subsidence within the property. Given the age, size, prominence, potential relevance in local history (i.e. it forms part of an old school yard) and species **I would recommend that the removal of T2 is not approved.**

- 6.1 In view of the advice given by the arboricultural advisor, regarding the trees' good health and both current and future amenity value to the Main Street and the Conservation Area within Burrough on the Hill, the fact that there was and has been no supporting evidence submitted with the TCA application (ie structural engineers report or tree survey) 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:	Deborah Dowling
Date:	6 December 2013
Background	Provisional TPO: 54 Main Street, Burrough on the Hill Letter of objection from MWA Arboriculture