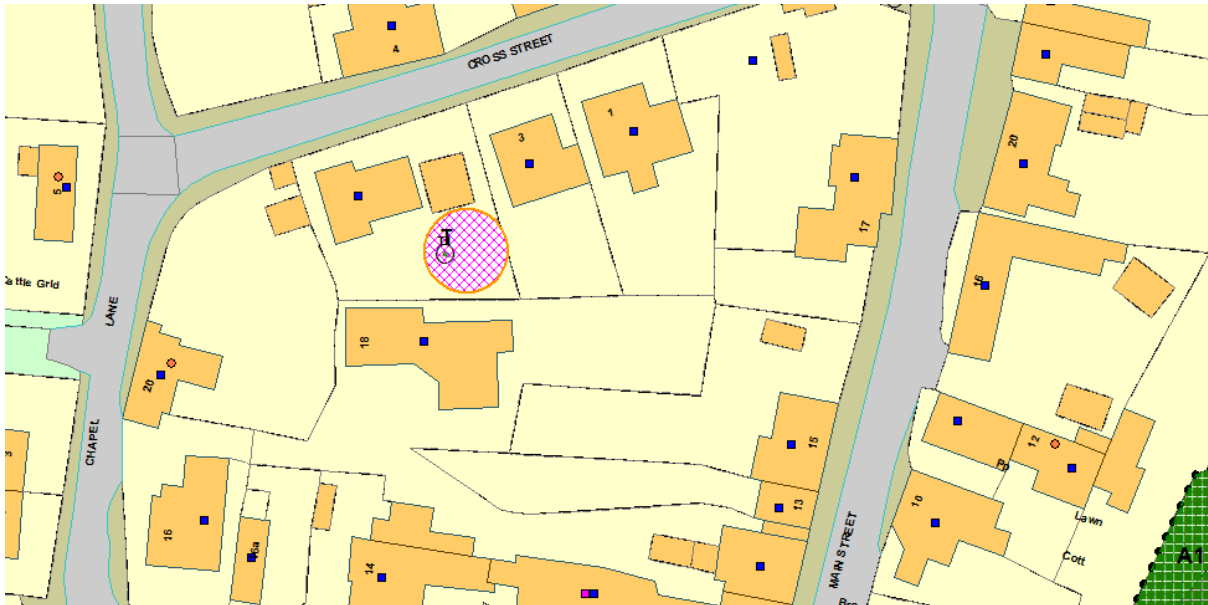


PLANNING COMMITTEE

9TH DECEMBER

TREE PRESERVATION ORDER REF: 151/913/7
GROUNDS OF PLUM COTTAGE, 5 CROSS STREET, GADDESBY, LE7 4WD

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 objection received on behalf of the owner of the tree, 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 Plum Cottage, 5 Cross Street, Gaddesby Tree Preservation Order 2015, should be confirmed, as issued.

3. DETAIL

- 3.1 A Notification of Proposed work to a Tree in a Conservation Area was received on 17th July 2015. The proposed work was felling of a mature Cedrus Libani Tree.

Following a site visit it was considered that the Cedrus Libani tree was important within the village scene, being highly visible from Cross Street and visible from Chapel Lane and Main Street. The tree makes a significant contribution to the visual amenity of the area. The tree appears to be in good

health and is likely to be rich in terms of biodiversity given that it is a mature tree with a potential to reach veteran status. A veteran tree is highly valued and important being a niche habitat for many birds, bats, mammals, insects, lichens and fungi. It was therefore considered that the tree merited protection through a Tree Preservation Order.

In the interests of expediency, the (Grounds of Plum Cottage, 5 Cross Street, Gaddesby, LE7 4WD) Tree Preservation Order 151/909/5 was served on the 26th of October 2015

- 3.2 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 26th April 2016 to reach a decision.

4. OBJECTION TO ORDER

Objection	Assessment of Head of Regulatory Services
<p>Mr Tyers-Smith (Owner)</p> <p>An objection was received on 10th November 2015</p> <p>1)Amenity in this context also means “plenty of room and air between houses”.</p> <p>2)Does not accept the ability to see a tree in someone’s private rear garden amounts to a significant contribution to the amenity of an area.</p> <p>3)The tree curtails the light, room and air and therefore the amenity of the properties that it bears on.</p> <p>4)The tree is substantial and therefore the roots will pose risks to the surrounding properties in time.</p>	<p>Amenity has a broad definition and the definition provided in the objection is only one part of the definition.</p> <p>The tree is large and although it is within the rear garden of a property it can be clearly seen from three different streets and multiple properties. Amenity in the context of a TPO relies heavily on the visual impact which this tree has.</p> <p>The tree due to its size does affect the light, room and air of the surrounding properties but the tree is not considered overbearing.</p> <p>No evidence has been submitted to demonstrate that the tree is currently causing damage</p>
<p>Ms Watson (Neighbour)</p> <p>An objection was received on the 3rd of November</p> <p>1)The tree is too big for its surroundings and is situated in the wrong place.</p> <p>2)The tree is too large for easy maintenance.</p>	<p>1)The tree may be large but it is not overbearing</p> <p>2)The ability to retain easy maintenance is not a consideration of a TPO</p>

3)Due to the size of the tree in such a small proximity means there is an increased risk of damage to property.	3)No evidence has been provided that this risk is serious or imminent
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5. ASSESSMENT

5.1 Policies & Guidance

Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas.

Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.' A Provisional Order of this nature cannot be confirmed until objection(s) received have been considered.

- 5.2 The tree was deemed to merit a Tree Preservation Order. Arboricultural advice was not sought at the time of the decision to protect the tree as the tree was considered to be of high value in the assessment and was under immediate threat. The protection of the tree is not an outright prohibition on works proposed or even its' felling. It will allow the applicant the opportunity to submit an application for works or removal accompanied by evidence of the reason for the proposed removal of the tree such as a structural survey of the building claimed to be affected, and a detailed report by a qualified arborist to determine the health of the tree.
- 5.3 The reason given for the removal of the tree was due to complaints from neighbours about the size of the tree and has outgrown its aspect. The tree is in close proximity to neighbouring gardens.

6. CONCLUSION

- 6.1 In terms of amenity value the Local Planning Authority is of the opinion that the tree is important to the village, its community and the Conservation Area.
- 5.2 Using the data available the officer concludes that the tree fits the criteria for a Tree Preservation Order. 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: D Worley
Date: 27th November 2015