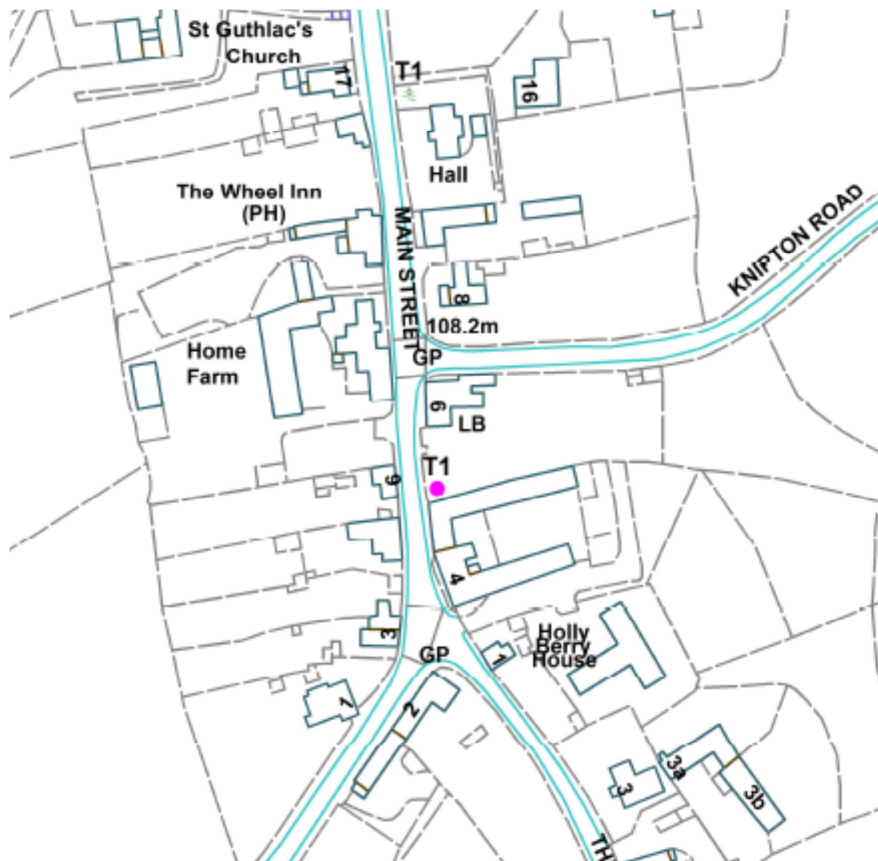


PLANNING COMMITTEE

17th SEPTEMBER 2015

TREE PRESERVATION ORDER – REF: 151/909/5
GROUNDS OF OLD POST OFFICE 6 MAIN STREET BRANSTON NG32 1RU

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 Old Post Office 6 Main Street Branston NG32 1RU, Tree Preservation Order 151/909/5, should be confirmed, as issued.

3. DETAIL

- 3.1 A Notification of Proposed work to a Tree in a Conservation Area was received on 1st July 2015. The proposed work was felling of a mature Wellingtonia Tree.

Following a site visit it was considered that the Wellingtonia tree was important within the village scene, being highly visible from Main Street and Waltham Road when entering the village from the south. 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 Old Post Office 6 Main Street Branston NG32 1RU) Tree Preservation Order 151/909/5 was served on 3rd August 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 4th January 2016 to reach a decision.

4. OBJECTION TO ORDER

Objection	Assessment of Head of Regulatory Services
<p>RW Sochaki – Agent</p> <p>An objection was received on 10th August 2015</p> <p>Agrees that the tree contributes to the character of the Conservation Area. The objection to the TPO is based on the size of the tree and its location in the garden of a domestic property. Mr Sochaki states that the root plate is hard up against the wall of the garage of the neighbouring property to the south where it is now causing structural damage. He also states that this poses a liability to the owner of the tree – The Duke of Rutland. The applicant would be willing to plant a replacement tree in a more suitable position.</p>	<p>Tree Preservation Orders are placed on trees that are considered to be under threat of removal and worthy of such protection. The notification of removal of a tree in a Conservation Area does not allow for the Local Planning Authority to request further information to support the reason for the removal of the tree. In this case, supporting documents such as a structural survey were not submitted. Therefore the tree has been protected from the immediate threat it faces to allow the applicant to provide the necessary information to support a case for removal. This can be submitted as part of an Application for works to trees subject to a Tree Preservation Order.</p>

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 potential structural damage to the garage at the neighbouring property. The tree is in very close proximity to the building which is forming part of an area of retained ground which is also retained by the boundary wall to the front of the site. However, no supporting information was provided with the application. It would be expected that a structural report would be provided in relation to alleged damage to a building.

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. Likewise it is important in biodiversity terms.
- 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: Lynn Eastwood
Date: 7th September 2015