

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 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. 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 Burrough on the Hill 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	Councillors resolved to approve the application

Representations:

None have been received to date.

Assessment & Conclusion

The grounds of Greenhill Cottage are mature gardens with many trees and shrubs. The Prunus is a type of tree which includes plums, cherries, peaches, apricots and almonds. The proposal to remove one Prunus tree to the South East of the property is entirely appropriate. It is a medium sized tree in poor condition with little amenity value to the streetscene and would not be suitable for a Tree Preservation Order.

RECOMMENDATION: - Consent to work on trees

Officer to contact: **Mrs Sarah Legge**

11th February 2011