

## DEVELOPMENT COMMITTEE

10 NOVEMBER 2011

### TREE PRESERVATION ORDER – REF: 151/924/6 WALTHAM ON THE WOLDS CHURCH OF ENGLAND PRIMARY SCHOOL

#### REPORT OF THE HEAD OF REGULATORY SERVICES

#### 1. PURPOSE

- 1.1 The purpose of this report is to inform the Committee of two letters of representation received from the Headteacher of Waltham on the Wolds Church of England Primary School and Alan Huntley 20 Melton Road, Waltham on the Wolds 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 Waltham on the Wolds Church of England Primary School, Melton Mowbray Tree Preservation Order 2011, as issued, should be confirmed.**

#### 3. DETAIL

- 3.1 An notification (Ref: 11/00449/TCA) to undertake the felling of a Beech tree to the rear of Waltham on the Wolds Church of England Primary School was submitted to the Council on 13 June 2011 and following the usual consultation with the Council's arboricultural advisors a Tree Preservation Order was placed on the tree on 14<sup>th</sup> July 2011. The application to fell the tree created a large amount of public interest including a petition from many children from the school and residents of Waltham on the Wolds.
- 3.2 It was considered that the Beech tree was important within the street scene and made a significant contribution to the visual amenity of the area. Historically the tree had been planted at approximately the same time as the school was built (1860-1880) and it has been an important part of the social history and life of the village since that time.
- 3.3 The Grounds of Waltham on the Wolds Church of England Primary School, Tree Preservation Order, 2011 (Ref: 151/924/6) was served on 14 July 2011 in the form of an order which specified the individual tree.
- 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 14 January 2012 to reach a decision.

#### 4. OBJECTION TO THE ORDER

- 4.1 The Headmaster of the school has registered his objection to the Provisional Tree Preservation Order, on grounds as detailed below:
- A significant and ongoing risk that branches may fall on the children.
  - The tree is infected with a parasite which could, if it takes hold, weaken the structure of the tree
  - Remedial action to reduce its size could increase instability
  - Bird faeces are dropping onto areas where children participate in outdoor learning
  - Despite being a "magnificent specimen" the tree is located behind the main building and is only partially visible adjacent to other trees.
  - The tree's maintenance is causing significant pressure on the school's budget.

## **5. SUPPORT FOR THE ORDER**

5.1 A letter has been received from an adjacent neighbour:

- The tree should be classed as a heritage tree and the TPO would allow it to be assessed and monitored and prevent any danger of felling.
- The tree is a significant and ancient tree in good condition and is an essential part of the heritage of the conservation village

## **6. ASSESSMENT**

6.1 **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.

6.2 The amenity value of the tree is great as it is visible from the front of the school and especially from the school car park to the north-east of the site.

6.3 As part of the original consultation exercise, prior to determination of the TPO application, an inspection of the tree by the Council's specialist arboricultural advisors noted a few fungal bodies around the tree including Meripilus otherwise the tree was in surprisingly good health, with no obvious hazards present.

The tree's canopy is in good health and it can be expected for a tree of this size and maturity to lose a few small twigs through the course of the year, especially during episodes of unseasonable wind. Recommendations were to thin the trees canopy and advice provided that the tree would not recover from a crown reduction and pollarding would kill it off.

He noted that birds nest between the months of February and August (with school holidays Easter and Summer plus half term within this time). The perceived problem has been exacerbated by nearby residents reducing their tree crowns, thus forcing birds to other nearby trees. A falconer could be employed at the commencement of the nesting season.

LCC Forestry carry out a tree health and safety survey on the school every three years as part of their statutory health and safety obligations.

The advisor suggested that should the 'CAVAT' valuing system be applied to the tree (a tool for ascertaining a monetary amenity value in trees) it would possibly reach a value in excess of £60,000.

## **7. CONCLUSION**

7.1 In view of the advice given by the arboricultural advisor, and in view of the tree's good health and important status within the social history and life of the village, it is recommended that the Tree Preservation Order be confirmed.



Contact Officer:  
Date:  
Background

Karen Jensch  
21 October 2011  
Provisional TPO: Grounds of Waltham on the Wolds Church of England Primary School  
Letter of objection from Mr Henderson (Headteacher) 1<sup>st</sup> August 2011  
Letter of support from Mr A Luntley, 20 Melton Rd.  
11/00449/TCA: Notification of proposed works to trees.