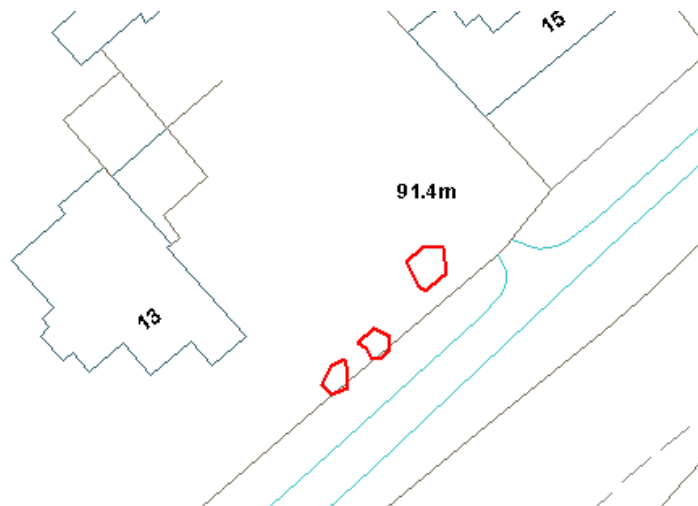


**Reference:** 12/00036/TCA  
**Date Submitted:** 17 January 2012  
**Applicant:** Crawford and Company  
**Location:** Parsonage House, 13 Paradise Lane, Old Dalby  
**Proposal:** Fell two Yew trees and one Redwood Tree



**Introduction:-**

**The proposal is to fell three trees**

The application site is located within the village envelope and Conservation Area for Old Dalby. The application is to be considered by Committee due to the trees belonging to Councillor J Orson, being a Councillor of Melton Borough Council.

**Relevant History:-**

09/00800/TCA - Remove 1 Yew tree also reduce and reshape 16 trees including 4 Yew, 1 Cotoneaster, 1 Crab Apple, 3 Acer, 1 Cherry, 1 Larch, 1 Prunus, 1 holly, 1 laburnum, 1 evergreen oak and 1 Lime Tree to a maximum of 30%. – approved 27.11.09

11/00760/TCA - Removal of 1 Evergreen Oak tree. – approved 11<sup>th</sup> November 2011

**Policies & Guidance:-**

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

The Town and Country Planning Act 1990 makes special provision for trees in Conservation Areas which are not the subject of a Tree Preservation Order. Under Section 211 anyone proposing to cut down or carry out works on a tree in a Conservation Area is required to give the Local Planning Authority six weeks' prior notice (a 'section 211 notice'). The purpose of 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 Old Dalby 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.

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Parish Council</b>	None received to date
<p><b>LCC Arboricultural Officer</b> All of the trees are in good health and the giant redwood is worthy of being covered by a TPO, even though you can only see it from Paradise Lane (I'd suggest that it is of a similar age to the property e.g. planted sometime between 1880 and 1910).</p> <p>However, I would need to see the: structural engineers report; root and soil analysis; level monitoring etc before I could make a formal report in respect of the claim for subsidence.</p> <p>The yews are not entirely worthy of a TPO as there are other bigger and better looking trees nearby and their overall affect on soil moisture levels will be fairly nominal.</p>	<p>Stewart Marshall has recommended that the Redwood Tree have a tree preservation order placed upon it however he would like to see all written reports concerning the structural survey.</p> <p>A formal request has been made to the Agent for a structural engineer's report, level monitoring, soil and root analysis etc. but this has not been forthcoming to date.</p>

### **Representations:**

None have been received to date.

## **Assessment**

The grounds of Parsonage House are mature gardens with many trees and shrubs. The three trees which are the subject of this application consist of two yew trees and one mature Redwood (sequoia) tree located to the front and side of the property.

The application has not been received with an accompanying structural survey report, but it is known that some cracking to the internal walls of Parsonage House have taken place over several years and the trees have been implicated as contributory factors in subsidence damage related to clay shrinkage.

The two yew trees T1 and T2 on the front boundary with Paradise lane are of low amenity value to the streetscene, being small immature trees.

The Redwood tree lies in a very prominent position adjacent to the boundary with Paradise Lane. The tree is large and was probably planted around the time of the building of the property, therefore being over 100 years in age. The tree is a splendid, semi-mature specimen with good amenity value.

It is known that Redwood trees, as a species take less water from the ground than the yew trees. At the distance of approximately 10 metres from the property, it is less likely that this particular tree is causing structural problems within the house. Information has been sought to back up the assertion that the tree is the cause of the problems described but in the absence of their receipt it is not considered that there is justification to allow the loss of the tree.

If an Order is served the owner would be free to apply for its removal with supporting information and the presence of the Order would not prejudice the outcome of such an application.

### **Conclusion**

It is considered that the 2 Yew trees are not worthy of a Tree Preservation Order and the removal of these trees is acceptable. However, the Redwood Tree has an important amenity value in the street scene and the reasons given for its removal are not considered sufficient to warrant the loss of such an important tree. Accordingly it is considered that this tree is worthy of a Tree Preservation Order.

**RECOMMENDATION: - A Tree Preservation Order to be placed upon the Redwood tree (T3)**

Officer to contact: **Mrs Karen Jensch**

**28 May 2012**