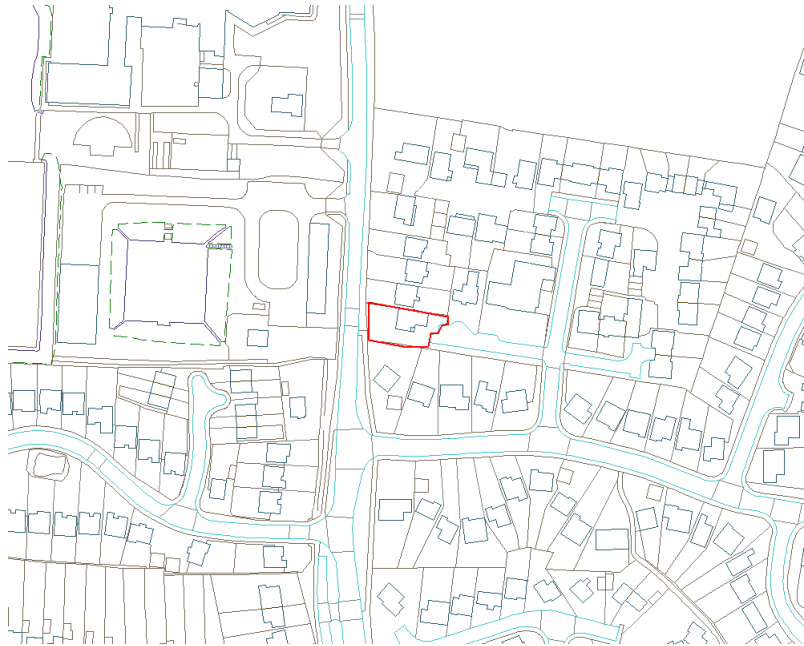


**Reference:** 12/00380/TPO  
**Date Submitted:** 18.5.12  
**Applicant:** Crawford and Company  
**Location:** 1 Faldo Drive, Melton Mowbray  
**Proposal:** Removal of 1 Lime Tree



**Introduction:-**

The application site is a property bordering Scalford Road and Faldo Drive and is covered by a Tree Preservation Order 151/900/26. The Tree Preservation Order is an Area Order which was placed on the site of the former Framland Hospital in 1993 before the new housing estate was built. The lime tree in question is one of several limes in a linear group fronting Scalford Road from North to South and from Scalford Road to Faldo Drive from East to West.

The application is for the removal of one mature lime tree within the grounds of 1 Faldo Drive due to the applicant's concerns over its perceived implication as a contributory factor in subsidence damage related to clay shrinkage.

The application is placed before Development Committee due to a previous application to remove the tree (10/00279/TPO) which was deferred at Committee.

**Relevant History:-**

- 99/00440/TPO - Lopping of 3 lime trees – **permitted – 01.09.1999**
- 00/00489/TPO - Crown thin 20% and crown lift 1 lime tree – **permitted – 29.8.2000**
- 06/00496/TPO - Crown thin 10% and crown clean 4 lime trees – **permitted – 21.7.2006**
- 07/00353/TPO - Cutting down and killing roots of 2 lime trees – **refused – 22.5.2007**
- 07/00837/TPO - Root pruning of 2 lime trees – **permitted – 24.10.2007**
- 09/00869/TPO - Removal of 1 lime tree – **refused – 18.01.2010**
- 10/00279/TPO – Removal of 1 lime tree – **applicant declined to withdraw the application following the Development Committee's deferment for further information**

**Policies & Guidance:-**

**DETR Tree Preservation Order: A Guide to the Law and Good Practice** states that in considering an application for the removal of a tree protected by a TPO the Local Planning Authority are advised:

- 1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- 2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. They are advised also to consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

**Melton Local Plan (saved policies)**

The site is located within the Town Envelope of Melton Mowbray as defined within the saved Melton Local Plan. Any tree covered by a Tree Preservation Order cannot be felled, lopped, topped or uprooted without the consent of the Council.

**Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Leicestershire County Council Assistant Arboricultural and Forestry Officer:</b></p> <p>The tree forms part of an avenue of lime trees.</p> <p>Over the last 18 months Leicestershire has experienced some excessively dry weather patterns; should this pattern continue over the coming months and years any vegetation related subsidence is likely to increase in severity. If these weather patterns cease and ground water levels are replenished then the potential for subsidence is also likely to decrease.</p> <p>Given the age and size of the trees (i.e. they are at their full mature size) it is likely that they are currently exerting their full influence on soil moisture levels. It is also likely that the trees have changed very little in size from the date of construction. It would, therefore, be reasonable to assume that the trees’ influence on soil moisture levels will not have increased excessively over the last 15-20 years.</p> <p>Lime species are categorised as a moderate water demanding tree.</p> <p>Results from soil testing would indicate that there is good reason to consider the soil to have a moderate to high potential for volume change, due to moisture extraction. However only measurements from 1.7m – 2.75m in depth have been published in the report. Soil moisture at this depth may not be considered representative of the soil moisture content between ground level and 1.6 m.</p> <p>The lime trees are of an age that is far greater than that of the adjacent property (i.e. the trees are</p>	<p>The application has been supported with an arboricultural survey, addendum technical report, site investigation report and level monitoring survey readings. The current condition of the tree has been thoroughly assessed with regard to its health, vigour and amenity value and the tree is considered to be healthy, vital and of having significant amenity value to neighbouring properties and the streetscene.</p> <p>The advice from the Arboricultural Officer is that the evidence submitted does not show the extent of damage and recommends that details of level monitoring over several seasons and the full extent of the damage be provided by the applicant.</p> <p>The report does contain level monitoring but the Arboricultural officer is concerned that this could be reflective of weather conditions and in inconclusive in terms of the impact of the tree. Longer term monitoring is required to establish is the tree is responsible, or indeed whether the land level recover.</p> <p>No reference in this application has been made to the perceived dangers from falling branches and disruption, through root growth, to the block paving (as several previous applications have claimed).</p>

approximately 90-100 years old, the property was constructed in 1994). Using guidance laid out in NHBC chapter 4.2 the foundations for a new property being constructed: within 3m of a lime tree; on a soil with a moderate potential for volume change, should be approximately 1.75 metres deep. The same construction on a soil with a high potential for volume change should have foundations of approximately 2.1 metres in depth. The report submitted suggests that the actual foundations of 1 Faldo Drive are only 1.4 metres in depth.

Within the Arboriculture report submitted it has been suggested that details of level monitoring, to establish the extent of and distribution of vertical movement, should be submitted with the application to fell the tree. If level monitoring is not possible then monitoring of the extent of cracking within the property should be submitted. The results of these surveys have not been submitted with the application.

Level monitoring has been conducted on the property between January 2011 and November 2011. Leicestershire has experienced successive seasons with lower than average rainfall, especially during the period of level monitoring. However, between April 2012 and July 2012 the average rainfall expected for this area has been exceeded. Further level monitoring over the next twelve months may have a bearing on the extent of vertical movement.

The current cost of repairs has been estimated at £3,000 if the tree is removed or £30,000 if it is retained. Should the removal of the tree fail to rectify the subsidence, then it would be reasonable to expect a further request for tree removal of the two lime trees adjacent to T1.

**In conclusion the tree officer recommends that the application be refused or that further information on level monitoring and the full extent of the damage be provided by the applicant. They have stated that level monitoring should be conducted over a number of months and seasons in order to ascertain where movement is attributable to seasonal variation of vegetation related subsidence.**

**Representations:** A site notice was posted on 30<sup>th</sup> May 2012, but no responses have been received.

**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<b>History:</b>	<p>This site has been subject to numerous applications including two previous applications to remove the lime tree. An application in 2009 for the removal of the lime tree was refused as the tree is in a healthy condition and has a significant amenity value in this location as part of a linear group of trees. The proposal would result in the loss of a tree which is protected by a tree preservation order. The tree is considered to be healthy and make a significant contribution to the amenity of the area and there are no circumstances which have altered since the Order was originally served that justify its removal.</p> <p>An application in 2010 for the removal of the lime tree is still current as the applicant has declined to withdraw the application following the Development Committee’s deferment for further information in July 2011.</p> <p>The previous applications were submitted on the grounds of perceived dangers from falling branches and disruption, through root growth, to the block paving. This application has been submitted with supporting evidence for the felling of the Lime tree on the grounds that tree has been a contributory factor in subsidence damage relating to clay shrinkage. As assessment of the information is detailed above.</p>
<b>Impact on Streetscene:</b>	<p>The tree is visually prominent and forms an intrinsic part of the streetscene.</p> <p>As the tree is visually prominent, forms an intrinsic part of the streetscene and is suitable in its surroundings, the tree is therefore considered worthy of preservation in accordance with the criteria in “Tree Preservation Orders: A Guide to the Law and Good Practice”. The tree is considered to have a high amenity value to the streetscene and it is not considered that sufficient evidence has been submitted with the application to justify the removal of the tree.</p>

**Conclusion**

It is considered that the Lime tree which is the subject of this application is in a healthy condition and has a significant amenity value in this location as part of a linear group of trees. The proposal would result in the loss of a tree which is protected by a Tree Preservation Order. The tree is considered to be healthy and make a significant contribution to the amenity of the area and there are no circumstances which have altered since the Preservation Order was originally served that justify its removal. The removal of the tree would disrupt the linear feature linking the limes on either side. Whilst evidence has been submitted with the application it is not considered that the Authority has the relevant information to determine the application and the application is recommended for refusal

**RECOMMENDATION: - REFUSE**

1. In the opinion of the Local Planning Authority the Lime tree which is the subject of this application is in a healthy condition and has a significant amenity value in this location as part of a linear group of trees. The proposal would result in the loss of a tree which is protected by a tree preservation order. The tree is considered to be healthy and make a significant contribution to the amenity of the area and there are no circumstances which have altered since the Order was originally served that justify its removal. The removal of the tree would disrupt the linear feature linking the limes on either side and justification is not considered sufficient to warrant its removal. Insufficient information has been submitted with the application in order to justify its removal.

Officer to contact: **Mrs Karen Jensch**

**27th July 2012**