

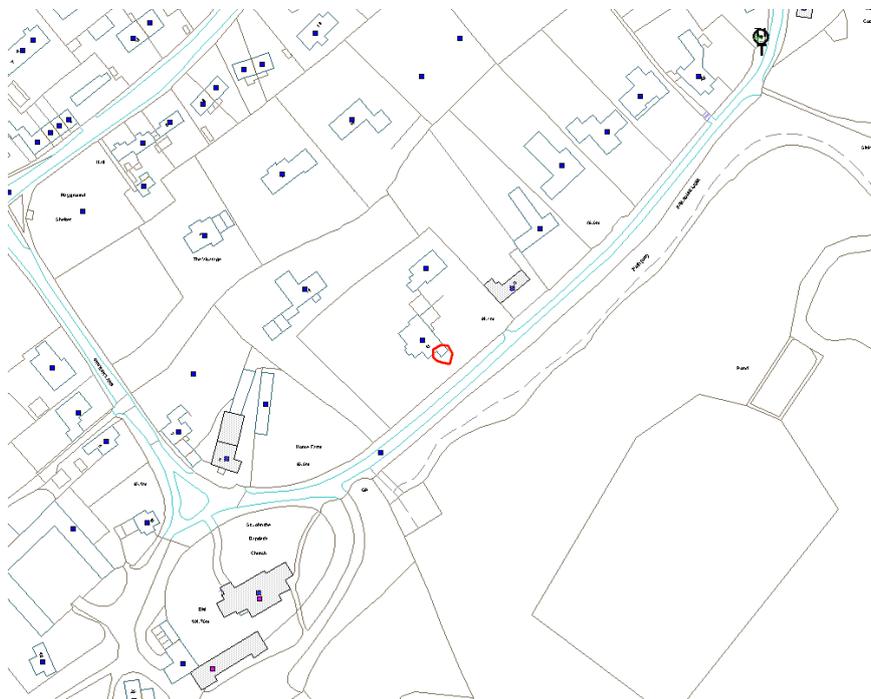
Reference: 12/00737/TCA

Date Submitted: 17 October 2012

Applicant: Crawford and Company

Location: Parsonage House, 13 Paradise Lane, Old Dalby

Proposal: Fell one Wellingtonia (Redwood) Tree



Introduction:-

The proposal is to fell one tree

The application site is located within the village envelope and Conservation Area for Old Dalby. The application is to be considered by Committee as the trees belonging to a Ward Councillor.

The application has been received with an accompanying technical report, showing cracking to the internal walls of Parsonage House and the sequoia has been implicated as a contributory factor in subsidence damage related to clay shrinkage. The cracks can be repaired but removal of the cause (the tree) is sought to prevent a recurrence.

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 11th November 2011
 12/00036/TCA – Removal of one Redwood tree and two Yew trees – withdrawn
 12/00599/TCA – Removal of one wisteria tree – application not required - closed

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 tree concerned has 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 Have enquired whether any alternative approaches to felling have been considered by the applicant.	Noted
LCC Arboricultural Officer The Giant sequoia or Wellingtonia (Squoiadendron giganteum) is a rapidly maturing specimen which is currently in the early stages of expected lifespan and stands some 20 metres tall. The tree has lost the apical branches in its very upper canopy some 20	Noted, the arboricultural officer has recommended that the Redwood Tree have a tree preservation order placed upon it due to its amenity value and potential historical importance. Further information would need to be provided before the tree is removed..

<p>years ago. However it has produced new growth which has sufficiently developed into the main stem leader. It is conservatively estimated that the tree is 100-150 years old. Trees of this species were commonly planted around the mid to late 1800's following the death of Field Marshal Arthur Wellesley, 1st Duke of Wellington (1769-1852) from whom the trees take their common English name. The date of construction for Parsonage House (circa 1850) and the propagation of sequoia seeds in the UK (circa 1853) are very close together.</p> <p>Concerns have been raised over the effect that the tree is exerting on soil moisture levels and the potential for vegetation related subsidence to the property. However, it can only be speculated on this probability as it is not a requirement that evidence to support this claim need be submitted with a TCA application. Information supplied with the application indicates that the current level of subsidence damage to the property is measured as category 2 (slight) using BRE digest 251. It is my understanding for the BRE digest that repair of this nature constitutes the filling of cracks, paper and pasting over minor damage and the re-pointing of brickwork. However, should the level of cracks in the property develop further then there may be the need to carry out more substantial repairs.</p> <p>The amenity value of the tree is very high, given its age, size and location. The tree is prominently visible from Paradise Lane; it is also possible to view the upper canopy of the tree from both Main Road and Church Lane. Using a quantified method for measuring the amenity value of trees (CAVAT) it has been determined that the tree currently carries a value in excess of £80,000.</p> <p>It is recommended that an alternative solution be sought to the problems covered in the application, rather than remove the tree. Given the age, contribution to local amenity values and potential historic importance of the tree it would be reasonable to consider creating a tree preservation order for this specimen. This would allow for further more detailed analysis of the potential for vegetation related subsidence (i.e. soil analysis, root analysis and level monitoring), should the applicant wish to continue with the application to fell the tree, before a tree with a high amenity value is needlessly removed.</p>	<p>A number of trees have been removed from the property recently but there has been no opportunity to monitor to establish whether these have been sufficient to rectify the ground stability issues and the resultant damage. It is considered that there remains uncertainty whether the Wellingtonia tree is the cause of the damage and whether it will persist now that other trees have been removed. In the light of this, and taking into account the prominence and visual contribution of the tree, it is considered undesirable to allow its felling at this stage</p> <p>The applicant has the opportunity to object to the Order with any additional information that may be available and would be free to apply for the tree's removal if the order is confirmed, again supported by information to demonstrate it is the case of the damage.</p>
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Representations: None

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Assessment of the tree</p> <p>In assessing an application for works to trees in a</p>	<p>The tree is located within the grounds of Parsonage House, Paradise Lane, Old Dalby. The grounds of Parsonage House are mature gardens with many</p>

<p>Conservation Area the Local Planning Authorities' main consideration should be whether the tree merits a Tree Preservation Order. 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.</p>	<p>trees and shrubs. The mature Redwood (sequoia) tree is located to the front of the property.</p> <p>The application has been received with an accompanying technical report, and it is known that some cracking to the internal walls of Parsonage House have taken place over several years and the sequoia has been implicated as a contributory factor in subsidence damage related to clay shrinkage. The request to remove the tree is to prevent a recurrence of the damage once the cracks are repaired.</p> <p>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.</p> <p>It is known that Redwood trees, as a species take less water from the ground than 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. It is considered that insufficient information has been provided to merit the loss of the tree.</p> <p>It is considered that this species of tree, in this prominent location has an important amenity value in the street scene. The amenity value of the tree is very high, given its age, size and location. The tree is prominently visible from Paradise Lane and it is also possible to view the upper canopy of the tree from both Main Road and Church Lane, therefore, it is considered that the tree contributes to the character and appearance of the Conservation Area.</p> <p>Therefore, based on the high amenity value of the tree, its age and contribution to the Conservation Area it is considered that the tree merits a Preservation Order. The reasons given for its removal are not considered sufficient to warrant the loss of such an important tree.</p> <p>If an Order is served the owner would be free to apply for the tree's removal if further damage to the property occurs, with supporting information (soil analysis, root analysis and level monitoring), and the presence of the Order would not prejudice the outcome of such an application.</p>
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Conclusion

It is considered that the Redwood (sequoia) 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 Wellingtonia (Redwood) tree (T1)

Officer to contact: **Mrs Karen Jensch**

20th November 2012