

PLANNING COMMITTEE

29th January 2015

TREE PRESERVATION ORDER – REF: 151/915/4 GROUNDS OF ST JOHN THE BAPTIST CHURCH MAIN STREET GRIMSTON

REPORT OF THE HEAD OF REGULATORY SERVICES

1. PURPOSE

- 1.1 The purpose of this report is to inform the Committee of seven letters of representation received from the applicant and 6 other residents of Grimston 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 St John the Baptist Church Grimston, Tree Preservation Order 2014, should be confirmed, as issued.**

3. DETAIL

- 3.1 A notification (Ref: 14/00738TCA) to undertake the felling of 1 Sycamore tree within the grounds of St John the Baptist Church, Grimston was submitted to the Council on 4th September 2014 and following the usual consultation with the Council's arboricultural advisor a Provisional Tree Preservation Order was placed on the trees on 14th October 2014.
- 3.2 It was considered that the tree is important within the street scene and made a contribution to the visual amenity of the area particularly being adjacent to the Church.
- 3.3 The Grounds of St John the Baptist Church, Grimston, Tree Preservation Order, 2014 (Ref: 151/915/4) was served on 14th October 2014 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 14th April 2014 to reach a decision.

4. OBJECTION TO THE ORDER

- 4.1 There have been six registered objections to the Provisional Tree Preservation Order, on the following grounds:

- Potential damage to the property at 15C Main Street, Grimston

The applicant has also submitted an objection to the confirmation of the Tree Preservation Order on the following grounds:

Representation	Assessment of Head of Regulatory Services
There is support for not confirming the Tree Preservation Order from the Church Warden Mr Moore, County Councillor Orson, Local Councillor Hutchison, local neighbours and Grimston and Saxelbye Parish Council.	In response to the concerns of Mr Griffiths I would offer the following observations: Noted
Agreed to replace the tree with a suitable specimen within the grounds of the church.	A suitable tree for replacement could not be

<p>There has been constant distress from the close proximity of the tree due to blocked gutters and downpipes and moss growing upon the roof.</p> <p>The sycamore is self-seeded and one of the most common trees.</p> <p>The tree is, in the opinion of local residents, a poor specimen and the replacement of the tree with a more attractive tree would be appropriate.</p> <p>Given the strength of support in the community for not confirming the Tree Preservation Order, the tree should be allowed to be felled.</p>	<p>insisted upon by not confirming the Tree Preservation Order.</p> <p>The tree was in position before the house was built and no previous application has been received to trim the tree away from the property</p> <p>The tree is important within the street scene and makes a contribution to the visual amenity of the area particularly being adjacent to the Church.</p> <p>The Arboricultural officer feels that the tree, though not entirely visible from the street, still contributes to the area. He does not state that the tree is a poor specimen.</p> <p>Noted</p>
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The Parish Council has also commented that they do not support the confirmation of the Tree Preservation Order. They consider that the tree should be removed and replaced with a suitable tree.

5. ASSESSMENT

5.1 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.

5.2 The amenity value and health of the tree is good with the tree being visible from Main Street. It is located directly between 15C Main Street and St John the Baptist Church.

5.3 As part of the original consultation exercise, prior to determination of the TPO application, an inspection of the tree was carried out by the Council's specialist arboricultural advisor. The advisor commented as follows:-

"The tree is a mature specimen and currently in good health, and has been visually assessed from ground level; no samples (fungal, bacterial, soil or roots) were taken for further analysis. Some minor works to remove lower branches have been previously been carried out, but the tree appears to have managed the associated pruning wounds well. There are minor dead branches within the tree's canopy, typical of the age and species, and are not indicative of declining health. It may be prudent to remove these in any event.

The tree is in a prominent location; whilst not entirely visible from the road it is clearly visible by parishioners and residents of adjacent properties. Therefore I have used the TEMPO model (Tree Evaluation Method for Preservation Orders) to assess its suitability for retention under a tree preservation order (TPO); There are a number of mature trees in the immediate locality and the removal of the sycamore is likely to have only a minor impact on the local amenity and bio-diversity levels. However, the removal of the tree will have a significant impact on the visual screen from church to property (Church View) and vice versa.

The tree is located on the church side of the fence line, not the property side of the fence. It has previously been surveyed by Leicestershire County Council, and recorded as being part of the church grounds. Without evidence to the contrary the location of the fence appears to define the location of the boundary. Therefore the tree may indeed form part of church property, not that of the Church View

property. The application form suggests that the applicant considers the tree to form part of his property.

Given the health and location of the tree, and the assessment under the TEMPO model, I suggest that making a TPO to protect the tree could be justified if you felt it appropriate.”

5.4 No evidence has been provided as part of the tree removal application to support the premise that potential damage to the property could occur in the future. Should the Tree Preservation be confirmed and an application be submitted indicating that damage may occur, that information will be considered at that time.

6. CONCLUSION

6.1 In view of the advice given by the arboricultural advisor, regarding the tree’s good health and both current and future amenity value to the Main Street and the Conservation Area within Grimston, the fact that there was and has been no supporting evidence submitted with the TCA application (ie structural engineers report or tree survey) it is recommended that the Tree Preservation Order be confirmed. This would not prevent applications for works in future, supported by relevant information.

Contact Officer:	Karen Jensch
Date:	19 th January 2015
Background	Provisional TPO: St John the Baptist Church, Grimston 7 letters of objection