

4 April 2024

Report of: Assistant Director for Planning

Reference number: 23/01133/TPO

**Proposal: T5 Lime Clear the pre-school roof by 2m
T8 Lime Re-pollard**

**Address: St Thomas A Becket's Church, Church Lane Frisby On The Wreake,
Leicestershire, LE14 2NQ**

Applicant: Melton Borough Council

Planning Officer: Alex Coy

Report Author:	Alex Coy, Planning Officer
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Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
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Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Ronan Browne (Frisby on the Wreake)
Date of consultation with Ward Member(s):	29 January 2024
Exempt Information:	No

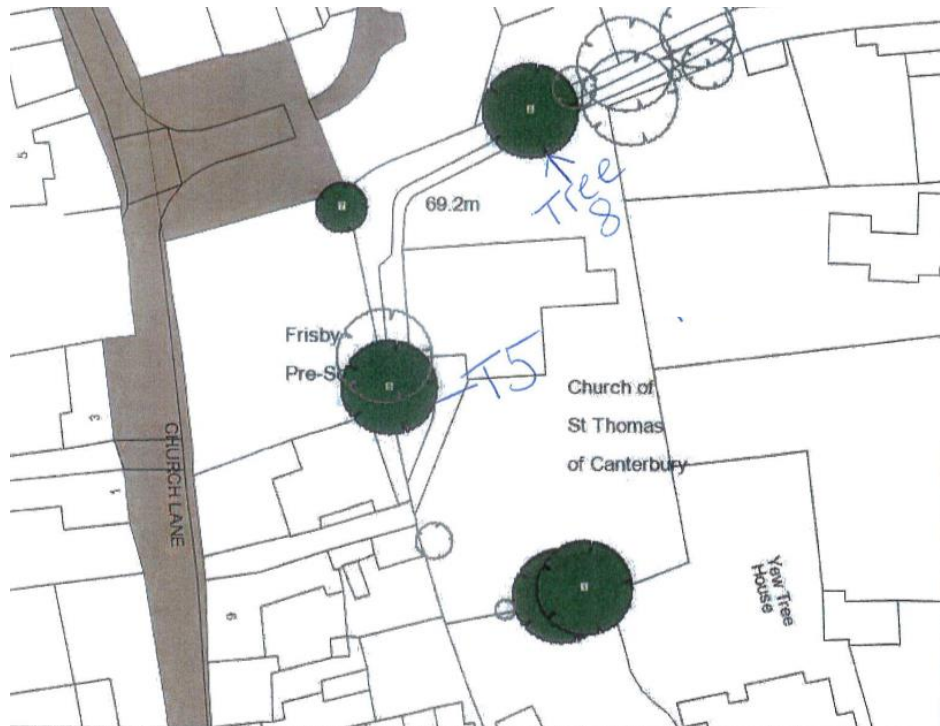
Reason for Committee Determination:

The applicant is Melton Borough Council. The application requires consideration by the Committee as it is an application submitted by the Council itself (Constitution Chapter 2, Part 9. 'Planning Committee functions and procedures').

Web Link: <https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

What 3 words: <https://what3words.com/already.palm.overheard>

Site Location Plan



RECOMMENDATION(S)

It is recommended that the application is approved subject to conditions set out in section 11 of this report.

1 Executive Summary

- 1.1 The application site is located to the east of Church Lane within the village of Frisby on the Wreake. It is set back from the main road behind a row of properties to the west.
- 1.2 This application seeks to crown lift one lime tree to clear the school building to the south west and re-pollard one further lime tree.

Main Report

2 The Site

- 2.1 The two trees are located within the grounds of the Church which is a Grade I Listed Building and also located within the Frisby on the Wreake Conservation Area. One tree is located on the sites western boundary adjacent to the boundary with Frisby Pre-School and the other on the northern boundary near to the properties on Carrfields Lane. A public right of way runs through the site.

3 Planning History

- 3.1 21/01222/TCA - Chestnut tree - reducing back to the original reduced point and any significantly decayed limbs removed. Permitted
- 3.2 21/01309/TPO - T1 - Lime - crown lift (by removal of secondary branches) to a height of no more than 4m and provide clearance from the building by 1m. Permitted

- 3.3 22/00009/TCA - Chestnut tree - reducing back to the original reduced point and any significantly decayed limbs removed. Permitted

4 Proposal

- 4.1 The application seeks to re-pollard the Lime tree (T8) situated on the northern boundary of the site and crown lift the Lime tree (T5) on the western boundary to clear the adjacent pre-school roof by 2m. T5 & T8 can be viewed on the site location plan above on page 2 of the report.
- 4.2 The works to the Lime tree which is adjacent to the pre-school building was previously approved under reference 21/01309/TPO but re-submitted here.
- 4.3 Pollarding is a management system used to control the growth of a tree throughout its life and re-pollarding is a process carried out to take limbs and branches back to previous pollard points.

5 Amendments

- 5.1 No amendments have been required or sought in relation to this application.

6 Planning Policy

- 6.1.1 The normal approach to the application of policy does not apply to applications for works to trees protected by a Tree Preservation Order. Consideration should be limited to the impacts of the proposed works on the contribution to amenity made by the tree.

7 Consultation Responses

7.1 Summary of Technical Consultation Responses

7.1.1 LCC Forestry

- 7.1.2 The proposed reduction to T5 is minor and is aimed at preventing physical damage to the adjacent property, this proposal is proportionate and appropriate to the tree and the site and will not have a negative impact on the tree's visual amenity and therefore is acceptable.
- 7.1.3 The proposed re-pollard of T8 is considered cyclical management and is required to maintain the safety and vigour of the tree, since it has been previously pollarded. Whilst there will be a short term reduction in the tree's visual amenity the tree will recover to form a crown again within a couple of growing seasons.
- 7.1.4 Therefore it is recommended that the Local Planning Authority permit the application subject to the below condition.

All hereby permitted tree works shall be undertaken by a qualified professional and in accordance with BS 3998:2010 – Tree Works Recommendations.

7.1.5 LCC Tree Officer

There are no objections to the work.

7.2 Summary of Representations

7.2.1 Ward Member(s)

No comments received.

7.2.2 Parish Council

Frisby Parish Council request that any work approved is not done during the nesting season.

7.2.3 Neighbours

No comments received.

7.2.4 Response to Consultation Responses and Representations

7.2.5 Comments from the Parish Council and LCC Tree Officer are noted – an informative is recommended ensuring that works are carried out with The Wildlife and Countryside Act 1981.

8 Planning Analysis

8.1 Main Considerations

- 8.1.1 It is considered the sole issue relevant to this application is the necessity and impact of the proposed work on the tree.
- 8.1.2 The trees are highly visible within the Churchyard and protected by a Tree Preservation Order however they are not being felled as a result of this application.
- 8.1.3 The proposed works are acceptable in terms of maintenance and the undertaking of these works will enable the trees to continue to grow in this location without causing nuisance to the adjoining buildings, users of the public right of way or residents to the north of the site.
- 8.1.4 LCC Forestry have reviewed the submission and confirm that works to the two Lime trees would be proportionate and acceptable whilst ensuring that it would not result in a negative impact upon the tree's amenity in the long term.

9 Conclusion

- 9.1 As such, the works proposed are acceptable given that they would not visually impact upon the amenity of the tree and is ongoing maintenance of the trees.

10 Reason for Recommendation

- 10.1 The works proposed are modest and are deemed acceptable in order to maintain the trees.
- 10.2 The works are part of a maintenance programme to ensure the trees remain healthy and do not compromise the school or the public footpath running alongside the site.

11 Planning Conditions

- 11.1 All tree works shall be carried out in accordance with BS3998, 2010.
- 11.2 Reason: To ensure that the works are carried out to a satisfactory standard to safeguard the trees.
- 11.3 The works hereby approved shall be begun before the expiration of 2 years from the date of this permission.
- 11.4 Reason: To ensure that the works are begun within a reasonable period.

12 Informatives

- 12.1 You are advised that nesting birds and bats, their roosts and their access to these roosts are protected under The Wildlife and Countryside Act 1981. Therefore should birds or bats be present in the trees concerned in this application the felling should be deferred until late summer/autumn.

- 12.2 Trees may support roosting bats, which are protected by law from harm. As a precaution, the applicant should ensure that tree works are undertaken by a competent tree surgeon who is aware of the possibility of encountering bats and their protected status, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. In addition, all birds, their nests and eggs are protected by the Wildlife and Countryside Act. We recommend that work to trees is done outside the bird-nesting season - i.e. between the end of August and the beginning of March - or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.

13 Financial Implications

- 13.1 No financial implications identified

Financial Implications reviewed by: N/A

14 Legal and Governance Implications

- 14.1 No legal implications are presented by this report.

Legal Implications reviewed by: Deputy Monitoring Officer

15 Background Papers

N/A