

PLANNING COMMITTEE

14th JUNE 2018

TREE PRESERVATION ORDER REF: 151/924/6
VILLAGE GREEN, HIGH STREET, WALTHAM ON THE WOLDS

REPORT OF THE ASSISTANT DIRECTOR FOR STRATEGIC PLANNING AND REGULATORY SERVICES



1. PURPOSE

- 1.1 The purpose of this report is to inform the Committee of one letter of objection received by the Parish Council and to invite the Committee to determine whether or not to confirm the Provisional Tree Preservation Order. This application was originally before the Committee on 24th May 2018 and was deferred due to additional information being received.

2. RECOMMENDATION

- 2.1 That the Committee considers whether confirmation of the Tree Preservation Order (TPO) is appropriate.

3. DETAIL

- 3.1 Notification was submitted by the Parish Council for the removal of the trees, the reason given; "low amenity value, shading and potential damage to historic village landmark". The Parish Council have proposed to replant with a smaller more appropriate tree, however as the trees are not the subject of any Tree Preservation Order this is not something that can be conditioned by the LPA.
- 3.2 The trees occupy an extremely prominent central location within the village with several Listed Buildings nearby. St Marys Magdalene's Churchyard is Grade I listed and

stands to the south-east of the site, in an elevated position. The trees are positioned in a prominent location and present an aesthetically pleasing appearance to the locality and therefore it was decided to consult LCC Arboricultural Officer for an opinion if the trees could be retained and maintained rather than lost by the proposed felling.

3.3 Within the report it confirms the trees to be young to middle aged, around 35-45 years old, the life expectancy within the UK is unknown as they are a non-native species and a fairly recent introduction to the UK. The report also states "In its native environment (North America) Lawson cypress will commonly live for 400-500 years and reach a mature height in excess of 60 metres (196ft). The species is a recent introduction to the UK (circa 1854) and specimens in the UK have not yet reached maturity or full height (which is often after 200-250 years of growth). As such we cannot be certain how tall they will grow in the UK, but it is widely anticipated that they will attain heights of around 45 metres (147ft). The trees on The Green are approximately 10-12 metres (35ft) tall.

3.4 The trees are situated on an area of land which is in the region of 175 m² with a perimeter of 65m². This area not only is home to two Cypress trees but also for a Rowan and a Cherry Tree and in addition the Grade II Listed Pump Station and Telephone Kiosk. The presence of all these factors draw concerns over the future size of the trees when they approach maturity. The location has also been considered by S Marshall;

3.5 LCC Arboricultural Officer's Report *"The trees are part of the local conservation area (TCA); they are not subject to a tree preservation order (TPO). Unlike with a TPO there is no requirement to identify a reason for work to trees in a TCA. Likewise there is no requirement to submit supporting evidence (e.g. arboricultural or structural engineers report). The applicant has helpfully provided a reason for the work and raised concern over possible damage to the adjacent structure.*

- *Branches from one of the trees are rubbing on the roof of the structure – although these could easily be removed without the need to fell the tree.*
- *One of the trees is in close proximity to the structure. Whilst there are currently no obvious signs of tree related damage the possibility cannot be ignored, especially as the tree matures and increases in size.*

It would appear that over the last few decades trees have been present in some form or another on the Village Green – plans dating to 1884 and old historic photographs bear witness to this. However, the trees which are currently on The Green were not present in 1884 and were likely planted in the late 1970's/early 1980's. As such removal of the two conifers, with an intention to replant the area, might not be considered an unreasonable one.

I am aware that two other trees have been removed from Village Green in the last few years, although both of these had died and subsequently posed a considered risk to the highway. The two other trees on Village Green (rowan and cherry) are to remain intact.

The applicant has proposed planting a strawberry tree (Arbutus unedo). Arbutus is native to the UK, although strictly speaking to Ireland and not England. They are considered to have a hardiness fit for the UK (hardiness zone 7 to 10), however; this does not take account of exposure which might be experienced around Waltham on the Wolds – a factor which would be increased if the two cypresses are removed. Whilst the proposed planting is not part of conditions set for a TCA it may be worth the applicant considering the use of a different species.

It is fully understood that removing two trees in a prominent area may cause some concern, as may be seen in relation to the current application. However, I am also led to believe that several notes of concern have been made about the current size and location of the trees. This does help to emphasise how emotive a topic trees can become, something which the tree is oblivious to.

In conclusion:

- Both trees are prominent and healthy specimens.*
- Both trees have an established monetary and amenity value.*
- The request is not unreasonable, taking account of the tree's anticipated size at maturity and possible impact on the surrounding area.*
- Replanting has been proposed should consent to remove the trees be granted.*
- Vegetation on Village Green has changed over the previous 100 years and the current proposal follows a similar theme, i.e. remove and replace trees.*

It may be prudent for Melton Borough Council (MBC) to consider approving the application. Should MBC feel that the trees are to be retained then a TPO should be made to cover both specimens."

- 3.6 The comments in respect of the objections received regarding the felling of the trees have to a large extent been addressed within the report of S Marshall.

In total 4 letters of representations were received for the TCA application. The comments are summarised below:-

- High amenity value £2,298 per tree as scored by the Helliwell Amenity Valuation and as such should be worthy of protection
- Highly visible from the Highway and crossroads
- Damage to historic landmark, trees are mature and roots are unlikely to expand to any great degree
- Removal of lower branches would resolve the issue of overhang to monument
- Unsuitability of replacement tree
- Formal request for the implementation of a Tree Preservation Order protecting the trees on their significant amenity value.

The points raised above were forwarded to the Arboricultural Officer and have been responded to within his report and are also covered above.

- 3.7 The formal request to consider a Tree Preservation Order be made was considered and it was felt that in light of the arboriculturalist's advice and all other factors detailed within his report it would be expedient nor justifiable to do so.

- 3.8 Provisional Tree Preservation Order Village Green, High Street, Waltham on the Wolds 151/924/6 was served on the 15th of March 2018

- 3.9 This Tree Preservation Order is currently a Provisional Order and Melton Borough Council have a period of six months to confirm it unaltered, modify or revoke it. Therefore the Council has until 15th September 2018 to reach a decision.

4.0 OBJECTION TO ORDER

4.1 Following the Provision Tree Protection Order being placed on the trees three objections have been received, two from the same household and one from the Parish Council. In addition two letters of support have been received. The comments are summarised below.

Objection	Assessment of Assistant Director for Strategic Planning and Regulatory Services
<p>The Parish Council's objection covers the following points:</p> <ul style="list-style-type: none"> • The subject trees are a non-native species that is quite out of scale with their surroundings. • They are, in our opinion, rather ugly and detract from the heritage setting. • They will continue to grow to 4 times their current height such that management will become • Increasingly difficult and expensive. • The green is overcrowded and the subject trees over-shadow and interfere with other trees on the green and the grade II-listed pump shelter. <p>Felling and replacement of the trees is part of a coordinated improvement to the site.</p>	<p>Notwithstanding the trees are relatively young, in general good health and highly visible from with the public realm, the particular species and appearance, future height of the trees and location are a concern.</p> <p>There is a positive way in which the removal of the trees can be considered in that the view of the Church will be opened up and visible when approaching the village from all aspects and in particular north/north-east. As too would the evergreen and native trees within the grounds of the church. The potential risk to the Listed Structure nearby has to be taken into account, although there is no evidence to support this at present it is also something that could become an issue in the future with the advanced maturity of the trees.</p>
<p>Other letters of objection:</p> <ul style="list-style-type: none"> • Trees are damaging the village lockup potential to fall and damage property due to high winds experienced and this could potentially damage some of the Listed Buildings close by. • Advice from the Parish Tree Warden that trees should be replaced with something more appropriate. • The trees block the signage on the phone box which indicates it houses the defibrillator. • They block highway visibility at highways crossroads. • The trees are not indigenous to the area and are out of proportion to the size of land. 	<p>As detailed above at paragraph 3.5, whilst the trees are rubbing on the roof of the building, there is no evidence to suggest that the building is at risk from this.</p> <p>As per the arboriculturalist's report, there is the possibility that the trees could be replaced with something better suited to the site, and the Council would not have an objection to this.</p> <p>The phone box is in close proximity to the trees, and are to some extent blocking views of the signage. Some works to the trees could be undertaken to solve this.</p> <p>There is no evidence to suggest that any road traffic collisions have occurred at the crossroads due to the presence of the trees.</p> <p>Noted, this is addressed in the report above at paragraph 3.5.</p>

<ul style="list-style-type: none"> • The trees are not aesthetically pleasing and have not been managed for years and still have a lifespan of another 30 to 50 years. • The trees block views and light and are growing at an angle towards the High Street. • The views entering the village are hindered by the size and position of the trees. • Critique of the Helliwell evaluation. CAVAT and I-tree address the social and cultural component of the value of the streetscene <u>“An exercise in the use of the Helliwell system of amenity tree valuation revealed a wide range of discrepancies which could call into question the validity of the system”</u> • Who will accept responsibility should the trees fall down? 	<p>The aesthetics of the trees are a matter of opinion; the lifespan of the trees is addressed above at paragraph 3.5.</p> <p>It is agreed that the trees block light into the objectors home, however it is not apparent that the trees are growing at an angle into the High Street, and this has not been noted as a concern by the Council’s appointed arboriculturalist above at paragraph 3.5</p> <p>It is agreed that views into the village are affected by the presence of the trees due to their height, species and location, affecting the significance of the Conservation Area and the heritage assets within.</p> <p>The report addressed at paragraph 3.5 provides comments on the various approaches to assessing the significance and value of trees. This is detailed above.</p> <p>Responsibility for the maintenance of trees lies with the owners regardless of whether a TPO is in place. MBC would be liable for compensation if it refused consent for maintenance works and these subsequently were the cause of damage or injury.</p>
<p>Support</p>	<p>Assessment of Assistant Director for Strategic Planning and Regulatory Services</p>
<ul style="list-style-type: none"> • The trees have significant amenity value, assessed by an independent qualified arboriculturalist using the recognised amenity valuation tool – Helliwell, which has also been objectively demonstrated by the Council’s own arboriculturalist using an alternative amenity valuation tool. • The trees are under threat, as evidenced by the notification to fell them. 	<p>It is agreed that the trees have a significant amenity value, as per the report above at paragraph 3.5, however this is not considered to outweigh the long term predicted growth of the trees, and the impact that this will have on the heritage assets and residential amenity. In addition, the trees are located on a small parcel of land, and are in close proximity to residential dwellings and could cause harm to buildings and/or life if they were to come down. The trees are not indigenous to the UK and it is not considered that their loss would be significantly detrimental to the streetscene in this part of Waltham on the Wolds.</p> <p>It is noted that the trees are under threat, this is the purpose of the requirement to notify the Council of works to trees in a Conservation Area,</p>

<ul style="list-style-type: none"> • The trees are healthy, have no visible defects and have a useful lifespan of at least 30 years. The roots will not spread any further and cannot affect any other walls or structures which do not at present show and damage. • No evidence has been provided in the original felling notification as to any previous, current, or ongoing damage that could be attributed to the trees. • The trees have reached their full height and are healthy and at the peak of their condition. • To replace with strawberry trees is a folly as it would suffer wind damage and lead burn – it would be half the size of the cypress trees. • MBC should confirm the TPO for the above reasons. 	<p>and to allow the Council to decide if the trees are worthy of protection through a formal TPO. The process is therefore duly taking place to consider this.</p> <p>It is noted above that the trees are at present healthy, however the concern is that they do still have a significant lifespan ahead of them, and the potential for further growth on this small parcel of land close to residential dwellings and heritage assets is of concern and addressed by the report above at paragraph 3.5. Potential for future damage is unknown. No building surveys have been undertaken at present to ascertain if the trees are having any impact upon foundations or existing buildings.</p> <p>Noted. The report above however discussed potential for issues over the future lifespan of the trees. The trees could potentially grow to almost 200 feet tall.</p> <p>This is not correct, the evidence in the arboriculturalist's report above shows that they have not achieved their full height. This could be up to 200 feet in future years.</p> <p>It is argued that the trees are too large for the parcel of land. Whilst strawberry trees may not be the ideal replacement, this is for the Parish Council to decide. They have confirmed that they are willing to look into planting a different species.</p> <p>Noted.</p>
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5. ASSESSMENT

5.1 Policies & Guidance

Planning Practice Guidance: Tree Preservation Orders and trees in Conservation Areas.

5.2 Local Planning Authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.' A Provisional Order of this nature cannot be confirmed until objection(s) received have been considered.

6. CONCLUSION

- 6.1 The reason given for the Provisional TPO was due to representations received and conflicting opinions and interests.
- 6.2 Taking into account the representations received and the comments received from the Arboricultural Officer it is considered that the Tree Preservation Order should not be confirmed. The Arboricultural Officer has stated that whilst the trees are healthy and do have positive amenity value, the request made to fell the trees is not unreasonable, taking account of the tree's anticipated size at maturity and possible impact on the surrounding area. Should the trees be retained at this stage there is potential for the trees to treble in size and could present a issue of public safety in the future.
- 6.3 The Parish Council have stated that there is an intention to replant an appropriate replacement tree at the site should the removal of the trees be allowed. However this cannot be conditioned.
- 6.4 **Given the above it is considered that it would not be appropriate to Confirm the Provisional TPO.**

Contact Officer: S Matthews
Date: 6th June 2018