

DRAFT REPORT OF THE HEAD OF PLANNING AND REGENERATION

APPEALS AND REVIEW COMMITTEE – 1 April 2019

Provisional Tree Preservation Order – 1 & 3 Soar Road Quorn

1.0 Introduction

1.1 Background

The trees, a Scots pine tree in the frontage of Number 3 and another Scots pine tree to the rear of number 1 are visually prominent from Soar Road, School Lane, Stoop Lane and Harrington Close.

Two Section 211 Notices (also known as Conservation Area Notices) P/18/2499/2 and P/18/2520/2 were received seeking to remove the pines at number 3 and number 1 respectively. Removal of both trees would yield a significant adverse impact on the landscape character of this part of the Conservation Area along the Soar. While the trees would benefit from some minor remedial works a decision was issued to create a TPO as a precautionary measure to ensure their retention.

1.2 The Sites

T1 pine is situated in the frontage of 3 Soar Road while T2 is situated in the rear of 1 Soar Road between a carport and the perimeter brick wall between 1 and 3.

These are detached properties within their own plots on the east side of Soar Road.

1.3 Condition of the trees

The trees are mature and in good condition.

2.0 The Objections to the Order

There are two objections to the Order.

2.1 The first is from the householder of 3 Soar Road, Mr Turner the owner of T1:

The five main points to the objection are:

1. That the tree roots had grown through the wall causing it to lean and collapse.
2. Mr Turner referred to photographs he submitted of the tree and its roots
3. Mr Turner referred to photographs of the wall during reconstruction

2.2 The second objection is from the householder of 1 Soar road, Mrs K Harrison.

No reason was stated for the objection. The objection letter referred to the S211 Notice and by implication its reasons and supporting information. A further letter of objection was received date 16 March 2019.

This letter references height of the tree and the fact it sways in the wind. This is a biomechanical necessity of the tree. If it were not flexing in the wind, it would snap. The taller the tree, the more it will sway. This is also the case in buildings such as the world famous tallest building in the world which has been specifically designed to sway.

The issue of lower branches can be remedied without felling the tree by pruning to give clearance of 2m from the building, a standard arboricultural operation.

No other representations from any other person or organisation have been made in relation to the Order.

3.0 Response to the Objections

3.1 Mr Turners objection:

1. The roots would undoubtedly be spread out and, bar meeting some feature offering resistance, will be found to the expected extent beyond the trunk for the size of tree. They would penetrate any weak structure.
2. Mr Turner referred to photographs he submitted of the tree and its roots. They show that there are roots in the vicinity but are not in of themselves proof that the tree caused the collapse of the wall. The wall may have suffered an impact from a vehicle or been poorly constructed. At no time did Mr Turner raise the issue prior to his reconstruction of the wall. It is reasonable to assume that if the tree were the cause he would have alerted the Councils as soon as the wall collapsed.
3. Mr Turner referred to photographs of the wall during reconstruction. These illustrate construction of a stone wall. They do not 'prove' the tree was the cause of the wall's collapse.

The failure of Mr Turner in raising the issue prior to reconstructing the wall meant that the Council could not offer advice on how to mitigate or prevent alleged future damage. The Council could have advised had it known how to resolve an apparent issue of conflict between the wall and the tree.

It remains my opinion that the tree is not the main cause of collapse though it may have contributed to weaknesses in the structure. It is possible to prevent a tree penetrating a wall or its foundations by taking the larger anchor roots into account in the construction methodology and deflecting other feeder roots using a proprietary product for root deflection.

3.2 Mrs Harrison's Objection:

Mrs Harrison referenced objecting but failed to set out reason or points which I can address. She also referenced the S211 Notice P/18/2520/2 in which the reasons to fell were given as proximity and a perception of damage without any actual damage other than raised pavements. Root growth can exert upward lift but this suggests a failure to take tree growth into account when laying the pavements; and proximity of branches to gutter. These issues can be remedied without felling the tree. It should be noted that the TPO does not prevent works or even felling. What a TPO does is required clear and

evidenced reasons for tree works and/ or felling. Please see TPO Tree Works application form and guidance notes available here

<https://www.charnwood.gov.uk/pages/downloadableforms> please scroll to #26

It appears the carport was constructed around the tree and that there was a failure to take the tree and its future growth into account.

A further letter of objection 16 March.

4.0 Conclusion

The reason put forward to remove the protection afforded the Order is not considered justified. Therefore it is my opinion that this objection should be dismissed.

The Committee is therefore recommended to confirm the Order without modification.

(supporting photographs attached- see appendix)

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APPENDIX A Photographs



This image illustrates the contribution of the tree pines to the Conservation Area and their relation to each other.



This is the pine at no 3 Soar Road and the reconstructed wall.



This image shows the natural overhang of the highway. I would recommend minor crown lifting to ensure 5.2m clearance as required by the LCC Highways



This image shows that the tree trunk is not touching the wall.