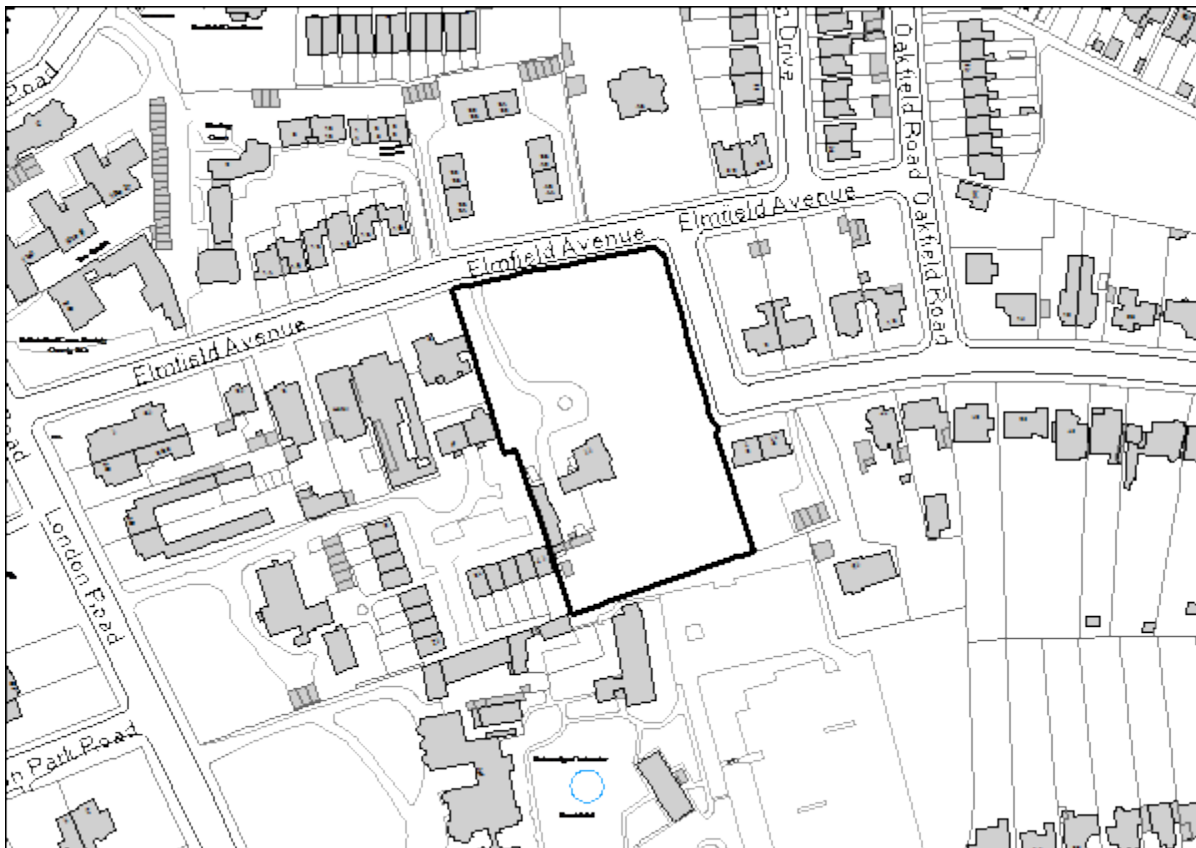


<b>Recommendation: Conditional approval</b>	
<b>20191936</b>	<b>11 Elmfield Avenue, Graysford Hall</b>
Proposal:	Felling of one (1) tree protected by TPO 16030
Applicant:	Connect Space Architecture
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20191936">https://planning.leicester.gov.uk/Planning/Display/20191936</a>
Expiry Date:	3 December 2019
TJM	WARD: Stoneygate



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## Summary

- Application brought to committee due to the number of objections received.
- Main issues to consider: amenity value of the tree.
- Eight objections received on grounds of loss of healthy tree, other ways wall could be repaired. Wall does not pose a health and safety risk.
- Removal of tree recommended for approval.

## Introduction

The application relates to a tree located in the grounds of a site which previously contained a large detached building but will also contain a care home. The tree is located on the corner of Elmfield Road close to its junction with Ashfield Road. The

tree is covered by TPO 16030. The site is located in the Stoneygate Conservation Area. The site is located in a Critical Drainage Area.

## **Background**

One previous application (20141787) is on file for works to this and eleven other trees on the site. At the time of the application the tree was protected by TPO N4.032, however, as a result of a planning application 20171457 to develop the site the TPO was reviewed and replaced with the current TPO 16030.

Planning application 20171457 was for the demolition of single dwelling and construction of a three storey 72 bed care home (Class C2), access, parking, landscaping, trees and other associated works (amended plans) and was approved in December 2017. The permission has been substantially implemented but is not yet ready for occupation.

## **The Proposal**

The proposed works is the felling/removal of one mature Tilia (lime) tree due to displacement and damage to a low level wall on the corner of the site. The brick wall continues around the boundary of the site. The applicant states the roots would not allow for the wall to be rebuilt with the tree in situ.

## **Policy Considerations**

Development plan policies relevant to this application are listed at the end of this report.

## **Representations**

Eight objections have been received on the following grounds:

- Healthy tree being removed to repair low level wall.
- Wall could be repaired in other ways.
- Tree does not pose risk to public health and safety.
- Wall unlikely to collapse.
- Removal adversely impact on street scene and visual amenity of the area.

## **Consideration**

This application is for the felling of one mature Tilia (lime) tree located in a prominent location on the corner of Elmfield Road and Ashfield Road within the Stoneygate conservation area. The tree has reached an estimated height of 19M with an average crown spread of 8M and is twinned stemmed at 2M above ground level, the tree stands approximately .6M above the public footpath within the grounds of the property and extensive basal and stem growth (epicormic) is present around the tree. The external site wall stands at approximately .7M from external ground level.

The application is for the removal/felling of this tree to enable removal of the damaged boundary wall and construction of a new wall, the low level wall is distorted leaning into the footpath and damaged.

It is highly likely that incremental growth of the stem/basal area and roots of this tree has resulted in the distortion of the wall, due to their close proximity; the rooting area (space available for root growth) around the basal area of the tree is very restricted to the north and east due to the boundary retaining wall, roots will be in contact with the wall which has been a root barrier preventing natural root growth and a support to north and east side of the stem, As the wall is now failing, removal is likely to undermine the trees stability in the ground (movement and slippage of the stem and soil), the displacement and damage to the wall would be deemed an actionable nuisance and as such should be removed, however this would not be possible with the tree in situ, and there is no guarantee that the tree will not move or fail if retained once the retaining wall is removed. A replacement tree of the same species Tilia (lime) would be required to replace the loss of this tree.

I therefore recommend Consent, subject to conditions

#### CONDITIONS

1. The works shall be completed within two years from the date of this consent. (To enable the City Council to review the situation if the trees grow and develop.)
2. All works shall be carried out in accordance with British Standard for Tree Work BS 3998:2010. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
3. In the first planting season following the removal of each tree, a replacement tree shall be planted. The replacement tree shall be 14-16cm girth extra heavy standard Tilia (lime) planted in as close a position as the removed tree at least 1M back from the wall, unless an alternative scheme has first been submitted to and approved by the City Council as local planning authority. All replacement trees shall be maintained for a minimum period of five years following planting. Any tree that dies, becomes seriously damaged or is removed shall be replaced by another of the same specification at the same place in the first available planting season. (In the interests of the amenity of the area, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

#### **Policies relating to this recommendation**

- 2006\_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.