

MONMOUTHSHIRE COUNTY COUNCIL COMMITTEE REPORT

SUBJECT: Confirmation Report: Tree Preservation Order MCC264 (2016)

DEPARTMENT: Tourism, Leisure and Culture.

MEETING: Planning Committee

Date to be considered: 4th October 2106

DIVISION/WARDS AFFECTED: Dixton with Osbaston

1. PURPOSE

To consider the confirmation of provisional Tree Preservation Order number MCC264 (2016) without modification.

2. RECOMMENDATION(S)

That the County Council confirms Tree Preservation Order No. MCC264 (2016) – Cae Elga, Highfield Road, Osbaston without modification.

3. REASONS

a) The Council received a pre-application enquiry from the owners of Cae Elga, Highfield Road, Osbaston. On 11th March 2016 the Case Officer, Craig O'Connor made a site visit to discuss the possibility of infill to development in the large garden at the rear of the property. During the visit, it was noted that a mature Wellingtonia tree was situated on the northern boundary of the plot. Craig advised the landowners that the tree would be a material consideration of a planning application as it adds character to area and would need to be retained and protected during any proposed development

b) Prior to carrying out a site visit I discussed the tree with Craig and in light of his photographic evidence plus views of tree on Google Street View, I formed the opinion that a tree preservation order was expedient in the circumstances. A provisional TPO dated **12th April 2016** was prepared and served on the landowner and adjoining properties giving the recipients opportunity to submit written representations or objections (the notice period). Notice periods are required to be at least 28 days in length. The notice in this instance expired on **25th May 2016**.

c) One letter of objection to the Order was received and is shown as **Item 1** appended to this report. The main reasons given for the objection were of i) safety, ii) alleged subsidence of a neighbouring property and iii) that the tree is deemed unimportant in the landscape as no TPO was issued when the adjacent Berryfields Estate was constructed.

d) A copy of my response to the objection is shown as **Item 2** appended to this report and I trust adequately addresses these concerns.

e) A further letter from the landowners dated 22nd May 2016 was received and is

appended to this report as **Item 3**. The main thrust of the objections this time is that the tree is “not a good specimen”. The landowners also reiterated their claims that the tree is causing subsidence to No 5 Berryfields Close again and questions the trees’ prominence in the landscape and its amenity value.

My response dated 1st June 2016 and appended to this report as **Item 4** also contains photographs of the tree taken from various vantage points which, I believe, demonstrates the trees’ importance as a landscape feature. I have also invited the landowners to submit further professionally based evidence in support of their assertions which hitherto have been based on conjecture. No further evidence has been forthcoming.

4. **Relevant Policies**

The retention of this tree will be in accordance with Strategic Policy S13 – Landscape, Green Infrastructure and the Natural Environment.

5. **CONSULTEES**

Cllr. Bob Hayward

RESOURCE IMPLICATIONS

None.

5. **BACKGROUND PAPERS**

- **Item 1** initial letter of objection from Mr and Mrs Woodward the landowners dated 3rd May 2016.
- **Item 2** Tree Officer response dated 12th May 2016
- **Item 3** further correspondence dated 22nd May 2016 from landowners.
- **Item 4** Tree Officer response dated 1st June 2016

- **6. AUTHOR** Jim Keech, Tree Officer.
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