



APPEALS AND REVIEWS COMMITTEE

This meeting will be recorded and the sound recording subsequently made available via the Council's website: charnwood.gov.uk/pages/committees

Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Capleton (Chair), Hunt (Vice-Chair), Cooper, Hachem and Miah (for attention)

All other members of the Council
(for information)

You are requested to attend the meeting of the Appeals and Reviews Committee to be held in Committee Room 2 - Council Offices on Monday, 1st April 2019 at 5.00 pm for the following business.

Chief Executive

Southfields
Loughborough

22nd March 2019

AGENDA

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 5
To receive and note the minutes of the previous meeting.
3. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8
4. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

5. BOROUGH OF CHARNWOOD (27 BROOKSIDE, BARKBY) TREE PRESERVATION ORDER 2018 6 - 22

A report of the Head of Strategic Support is attached.

6. BOROUGH OF CHARNWOOD (1 & 3 SOAR ROAD, QUORN) TREE PRESERVATION ORDER 2019 23 - 64

A report of the Head of Strategic Support is attached.

PROCEDURE

The procedure to be followed in considering objections to Tree Preservation Orders is as follows:

- (a) *The Head of Strategic Support or his/her representative will introduce the report before the Appeals and Reviews Committee which will include written statements by both parties (i.e. the Head of Planning and Regeneration and the objector(s)).*

- (b) *The Head of Planning and Regeneration or his/her representative will present his/her case for confirming the order with or without modifications.*

Members of the Appeals and Reviews Committee and the objector(s) may then ask him/her questions.

- (c) *The objector(s) will present his/her case, if he/she wishes to do so.*

Members of the Appeals and Reviews Committee and the Head of Planning and Regeneration or his/her representative may then ask the objector(s) questions.

- (d) *Members of the Appeals and Reviews Committee will ask the parties for any additional information or clarification they require.*

- (e) *The Appeals and Reviews Committee, with the advice of the Head of Strategic Support or his/her representative as necessary, will then decide whether or not the order should be confirmed and, if so, whether with or without modifications.*

The parties will not participate in the meeting at this stage and each will have the options of sitting in the public gallery or leaving the meeting.

APPEALS AND REVIEWS COMMITTEE 13TH MARCH 2019

PRESENT: The Chair (Councillor Capleton)
The Vice Chair (Councillor Hunt)
Councillors Cooper, Hachem and Miah

Mr and Mrs Jordan (objectors)

Team Leader Natural & Built Environment
Solicitor
Democratic Services Officer (NA)

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

22. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the Committee held on 18th February 2019 were received and noted.

23. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions were submitted.

24. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

25. BOROUGH OF CHARNWOOD (THE OLD CHAPEL, 9 WYSALL LANE, WYMESWOLD) TREE PRESERVATION ORDER 2018

A report of the Head of Strategic Support was submitted setting out details of the Tree Preservation Order served on the above site, the objection received to the Order and the comments of the Head of Planning and Regeneration on the issues raised by the objection (item 5 on the agenda filed with these minutes).

The Council's Legal Representative assisted with the consideration of the report.

The Team Leader for Natural and Built Environment presented the case as the representative for the Head of Planning and Regeneration.

No objectors were present.

The Committee considered this matter in accordance with the "Procedure for Considering Objections to Tree Preservation Orders" set out in the Council's Constitution and on the agenda for this meeting.

RESOLVED that the Borough of Charnwood (The Old Chapel, 9 Wysall Lane, Wymeswold) Tree Preservation Order 2018 be confirmed with a minor modification to correct the schedule to state Hawthorne instead of Holly for T2.

Reason

Having considered, in accordance with the procedure set out in the Council's Constitution, the objection to the Order, the Committee considered that the reasons put forward for not protecting the trees did not outweigh the contribution it made to the amenity of the area and that the tree should therefore be protected with the modification cited above.

26. BOROUGH OF CHARNWOOD (1 BROWNHILL CRESCENT, ROTHLEY) TREE PRESERVATION ORDER 2018

A report of the Head of Strategic Support was submitted setting out details of the Tree Preservation Order served on the above site, the objection received to the Order and the comments of the Head of Planning and Regeneration on the issues raised by the objection (item 6 on the agenda filed with these minutes).

The Council's Legal Representative assisted with the consideration of the report.

Both the Head of Planning and Regeneration's representative and the objectors attended the meeting to put forward their cases and answer the Committee's questions.

The Committee considered this matter in accordance with the "Procedure for Considering Objections to Tree Preservation Orders" set out in the Council's Constitution and on the agenda for this meeting.

RESOLVED that the Borough of Charnwood (1 Brownhill Crescent, Rothley) Tree Preservation Order 2018 be confirmed, with modification to the order to remove the Spruce tree (T3) listed on the schedule.

Reason

Having considered, in accordance with the procedure set out in the Council's Constitution, the objection to the Order in respect of the Spruce tree (T3), the Committee felt it offered little amenity value in its setting and decided to remove it from the Tree Preservation Order. In respect of the two Pines, the Committee were content that they should remain protected as their amenity value outweighed any reason to remove them from the Order.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 24th June 2019 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Appeals and Reviews Committee.

APPEALS AND REVIEWS COMMITTEE 1ST APRIL 2019

Report of the Head of Strategic Support

ITEM 5 BOROUGH OF CHARNWOOD (27 BROOKSIDE, BARKBY) TREE PRESERVATION ORDER 2018

The above Order relates to three trees T1, T2 and T3, all Yew *Taxus Baccata*, and a Group of trees G1 Beech *Fagus Sylvatica*, all situated along the boundary in the rear garden of 27 Brookside, Barkby. The trees have been allowed to grow naturally over many years and now make a significant amenity contribution to the landscape character of the Barkby Conservation Area. Following the trees being subject to a Conservation Area Notice to reduce them to the height of a hedge, which would remove the amenity contribution the trees made to the area, the Council's Head of Planning and Regeneration considered it appropriate to ensure the trees were properly protected and retained in a satisfactory manner through the making of this Tree Preservation Order.

Therefore, an Order was made on 24th December 2018 to provisionally protect the trees.

A copy of the Order is attached at **Annex 1**.

Objections to the Order were received from Mr and Mrs Brown, tenants of 27 Brookside, Barkby (objection received on 10th January 2019) and from Fisher German LLP, the agent acting on behalf of the owner of 27 Brookside, Barkby (objection received on 18th January 2019).

A copy of the objections is attached at **Annex 2**.

The Head of Planning and Regeneration's comments on the issues raised in the objections are attached at **Annex 3**.

In conclusion, the Committee is asked to consider the issues raised by the objector and the comments of the Head of Planning and Regeneration in accordance with the procedure set out and determine whether or not the Tree Preservation Order should be confirmed.

Officer to contact: Nadia Ansari
Democratic Services Officer
01509 634502
nadia.ansari@charnwood.gov.uk

Town and Country Planning Act 1990
The Borough of Charnwood (27 Brookside, Barkby)
Tree Preservation Order 2018

The Charnwood Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order:

Citation

1. This Order may be cited as The Borough of Charnwood (27 Brookside, Barkby) Tree Preservation Order 2018.

Interpretation

2. (1) In this Order “the authority” means the Charnwood Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this twenty-fourth day of December 2018

The Common Seal of the Charnwood Borough Council
was affixed to this Order in the presence of:

.....
Simon Jackson



24.12.18
136

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Yew Taxus Baccata	OS grid reference SK 484014 309632.
T2	Yew Taxus Baccata	OS grid reference SK 484017 309640.
T3	Yew Taxus Baccata	OS grid reference SK 484018 309643.

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees (within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	Beech Fagus Sylvatica	OS grid reference SK484021 309646.

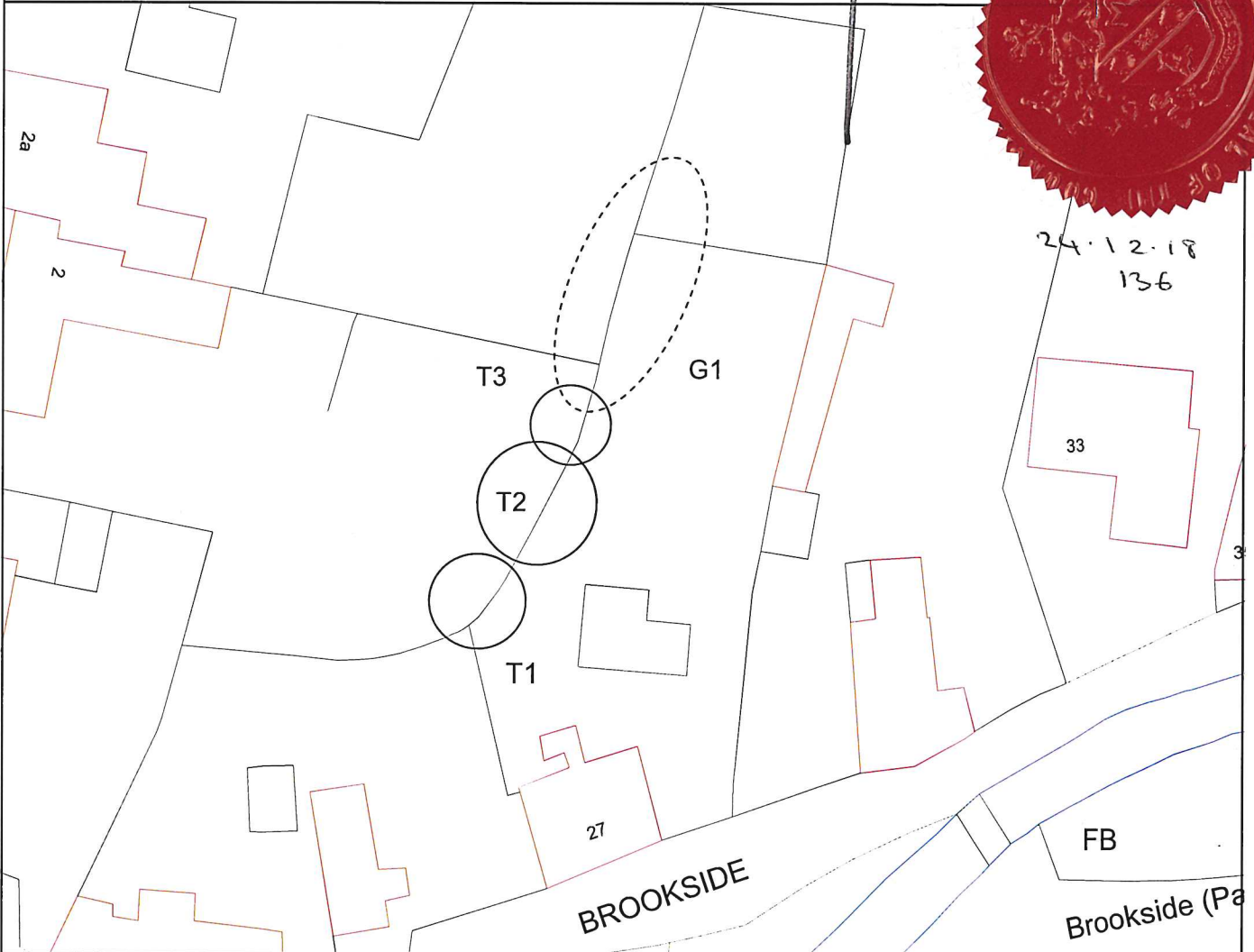
Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
	None	

I certify this map shows the tree referred to in the first schedule of
the Borough of Charnwood (27 Brookside, Barkby)
Tree Preservation Order 2018



Authorised signatory



Borough of Charnwood
(27 Brookside, Barkby)
Tree Preservation Order 2018

R Bennett Dip. TP. MRTPI
Head of Planning & Regeneration
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 21 December 2018
Scale: 1:500
Prep: NOD

Licence No 100023558 Reproduced from the Ordnance Survey Map with permission of the Controller of Her Majesty's Stationary Office, Crown Copyright Reserved.

27 Brookside
Barkby
Leicester
LE7 3QD

07/01/19

REF: PT/19

Dear Nadia Ansari

Further to a telephone conversation with you on Monday 7th January, as per your recommendation, below is a letter with regard to the proposed Tree Preservation Order on the trees in the grounds of 27 Brookside, Barkby.

As long term tenants of the above property and keen and passionate garden lovers, we felt the need to have some work undertaken on the trees in question to increase the light into the garden due to the overwhelming canopy which they create.

We began our tenancy at 27 Brookside just over 6 years ago, and in that time we have done extensive work to the garden, as it had been let go by previous old tenant. This left a beech hedge (G1) being left untouched for years, resulting in a group of now large beech trees which in our opinion are inappropriate for a residential garden. Combine this with the 3 yew trees in a very tight cluster, again which were left untouched for many years, has resulted in an extremely dense, light blocking, moisture hungry mass.

With regard to the contribution to the landscape of the village, we agree that this will alter slightly, although we are not fully aware what our agents 'Fisher German' applied for in the application, therefore we cannot be sure how much this will alter the landscape.

As long term tenants of the property, ideally we would like to have a crown reduction to both T1 and T2 of 30%. A height reduction to T3 to a more manageable height and the thinning of G1 also with a reduction in height. In our view this will still keep the appearance to the landscape, whilst providing us with a more manageable, friendly prospect.

I would also like to mention that the plan of the layout of trees is incorrect, and doesn't truly represent the mass and volume being caused, due to the misplacement on the plan.

All neighbouring homeowners/tenants effected by the trees in question, are in full support of all works suggested in this letter.

We believe it would be beneficial for all parties to meet and discuss all options, so going forward we can agree a plan of works which will be agreeable and acceptable to all parties concerned.

We look forward to hearing your response at your earliest possible convenience.

Yours Sincerely

Chris & Heidi Brown

Tenants 27 Brookside

✓ ray to confirm
receipt 18/03/19.

27 Brookside
Barkby
Leicester
LE7 3QD

Tel:

Thursday, 14th March 2019

REF: PT/19

Dear Laura Strong

Thank you for informing us of the Council's Appeals and Reviews Committee Meeting on Monday 1st April 2019 at 5.00pm.

Both myself and my husband will be attending the meeting, and I would like to put forward some comments in person.

Please find enclosed some additional photographs and explanations which we would like considered at the meeting.

Yours sincerely


Christopher & Heidi Brown

Tenants 27 Brookside

T2

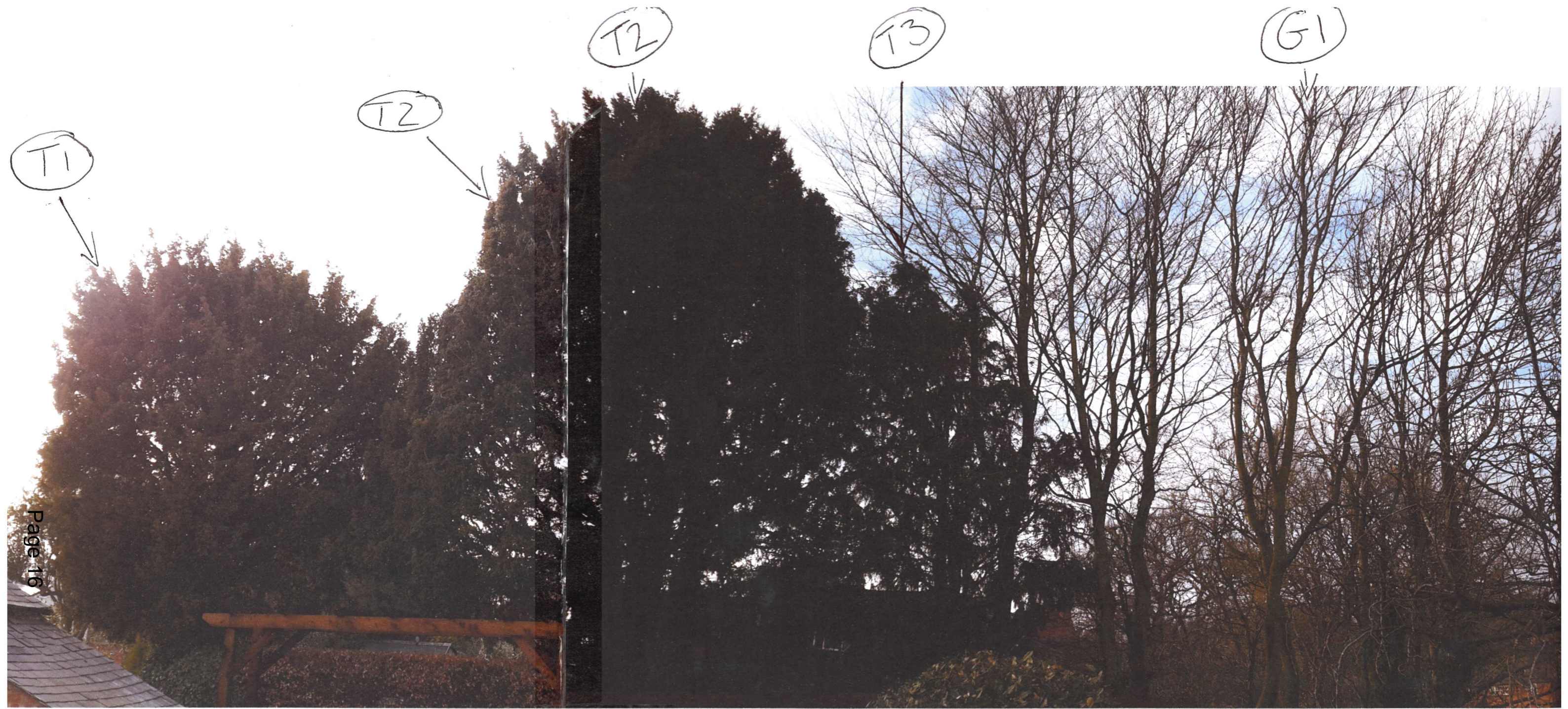


G1



Photographs showing T1, T2, T3 & G1
and their situation within the garden.

Perspective is not easy to see in the
Photographs, although T2 is over 50 foot
high and G1 over 60 foot high.



Recd - 18/1/19.



Fisher German LLP
40 High Street
Market Harborough
LE16 7NX

DX 27307 Market Harborough

Tel: 01858 410200

Email: harborough@fishergerman.co.uk

www.fishergerman.co.uk

Our ref: RUR615/POCHI002.048/LD/JRDP/190116

Your ref: P/18/2205/2

16th January 2019

Nadia Ansari
Charnwood Borough Council
Democratic Services
Southfield Road
Loughborough
LE11 2TN

Dear Madam

**A J P POCHIN ESTATE
27 BROOKSIDE, BARKBY**

**P/18/2205/2 Reduction to overgrown yew and beech trees at rear of property.
(Conservation Area).**

We write with reference to the above property and your recent notification of making a Tree Preservation Order following our request for Conservation Area Consent on the three Yew trees and group of Beech trees to the rear of the property. We wish to object to this order and make the following comments

1. No 27 Brookside is a let cottage belonging to Mr A J P Pochin. The Beech trees which are identified have previously been managed until recent years to form a boundary hedge with the neighbouring property. Over a period of time part of this hedge has unfortunately been unmaintained and subsequently established into trees.
2. Conservation Area Consent was submitted to reduce the Yew and Beech Hedge as these are significantly high, blocking light and over crowd the gardens in the vicinity. Having consulted with a Tree Surgeon the application was made to reduce 30% of the growth of the Yew tree and reduce the Beech to hedge height. We feel this will greatly benefit the properties and reduce the risk of any property damage caused by sporadic weather patterns through this maintenance work.

See photos to show the size and scale of the trees.

3. The works identified would allow the beech trees to be maintained in the line of the hedge row as a hedge.
4. The trees are within a conservation area and the owner of the property adheres to the requirements for tree works within the area. By issuing a TPO it will further restrict and cause unnecessary administration and cost for work to these trees if required in the future.



Fisher German LLP is a limited liability partnership. Registered in England and Wales, Registered Number: OC317554. Registered Office: 40 High Street, Market Harborough, Leicestershire LE16 7NX. A list of members' names is available for inspection at the Market Harborough office.

Regulated by RICS
Page 17



5. You have written to our client and I enclose the Statement of Information duly completed on behalf of our client Mr A J P Pochin regarding the occupancy of 27 Brookside.

We look forward to your acknowledgement of this objection in due course and would be happy to meet with you on site to discuss this further.

Yours faithfully


Mrs Louise M Duffin BSc(Hons), MRICS, FAAV
Associate Director
For and On Behalf of Fisher German LLP
e-mail: louise.duffin@fishergerman.co.uk
Direct Dial 01858 411233

Enc.

P18/2205/2



Summer 2018



Winter 2018

DRAFT REPORT OF THE HEAD OF PLANNING AND REGENERATION**APPEALS AND REVIEW COMMITTEE – 1 April 2019**

Provisional Tree Preservation Order – 27 Brookside, Barkby

1.0 Introduction

1.1 Background

The yew and beech trees are along the boundary in the rear garden of 27 Brookside Barkby, part of the Barkby Hall estate. The trees were allowed to grow naturally over many years and now make a significant amenity contribution to the landscape character of the Barkby Conservation Area.

A Conservation Area Notice (S211 Notice) P/18/2205/2 was received to reduce the tree to the height of a hedge. Reason given was future potential for damage to house. There was no evidence of actual or potential damage submitted. The trees are not immediately adjacent to any built structure. While the trees are within/ close to the alignment of a boundary hedge they clearly were established as trees and visible from the highway and the footpath along the Brook. The proposed works to reduce to height of a hedge would be unacceptable as it would remove the amenity contribution these trees make to the Conservation area.

It should be noted that a previous CAN P/17/1289/2 was submitted to lightly side trim to reshape the Yews at 27 and this was considered acceptable therefore a decision at that time was to not make a TPO on the basis of expediency- trees in appropriate management. This did not mean the trees would not have merited TPO protection had a threat identified.

1.2 The Site

The rear garden of a detached house with a short frontage and extensive rear garden, within a Conservation Area, which is part of the Barkby Estate.

1.3 Condition of the trees

The trees are semi- mature and in good condition.

2.0 The Objections to the Order

The letter dated 7 January 2019 does not *per se* object to the Order but sets forth a case for crown reduction.

3.0 Response to the Objections

3.1 The first objection letter posited a need for crown reduction. This is one of several types of arboricultural operation and can be agreed in principle though not to 30%, without removal of the TPO. This could be authorised via a TPO tree works Application. I will give a further clarification of the British Standard 3889 regarding this operation and how it should

be described in an application. Thinning may not be the best course of action. I recommend the owners consult a tree consultant for advice.

The additional letter suggests the trees are too close to the dwelling. The trees are not so close as to merit felling. Suitable pruning can provide additional clearance though normally we allow a max of 3m clearance of branches to edge of roof/ gutters.

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.

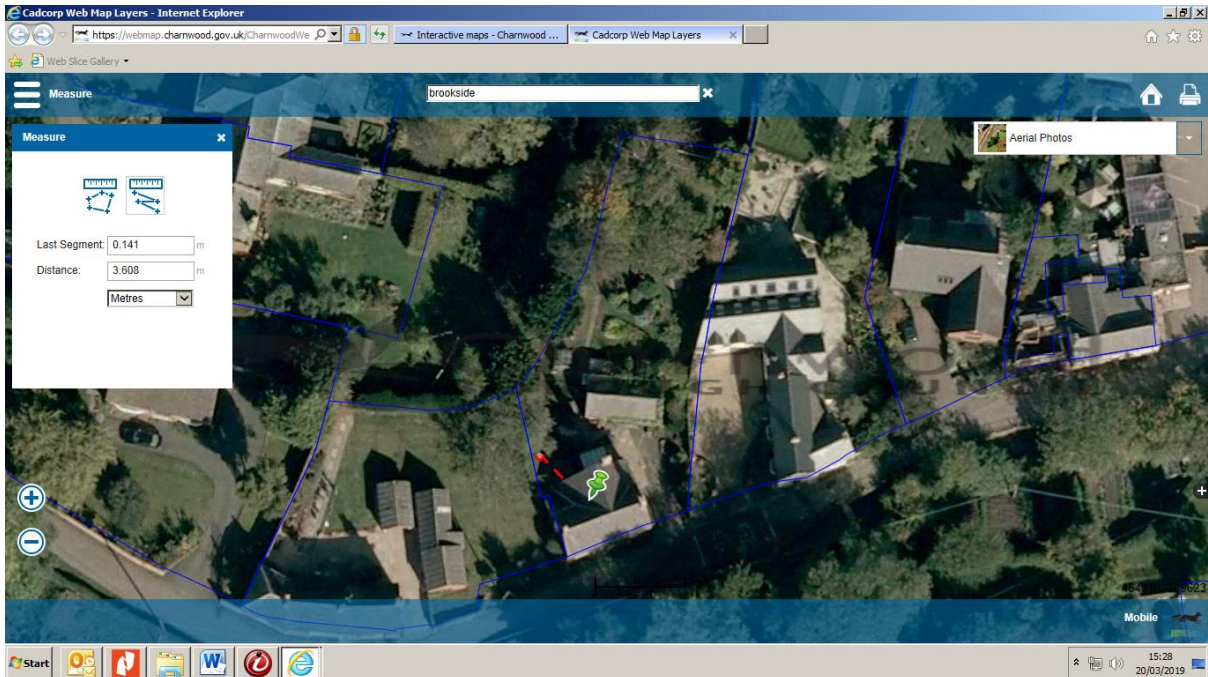
(supporting photographs attached- see appendix)

Contact Officer:

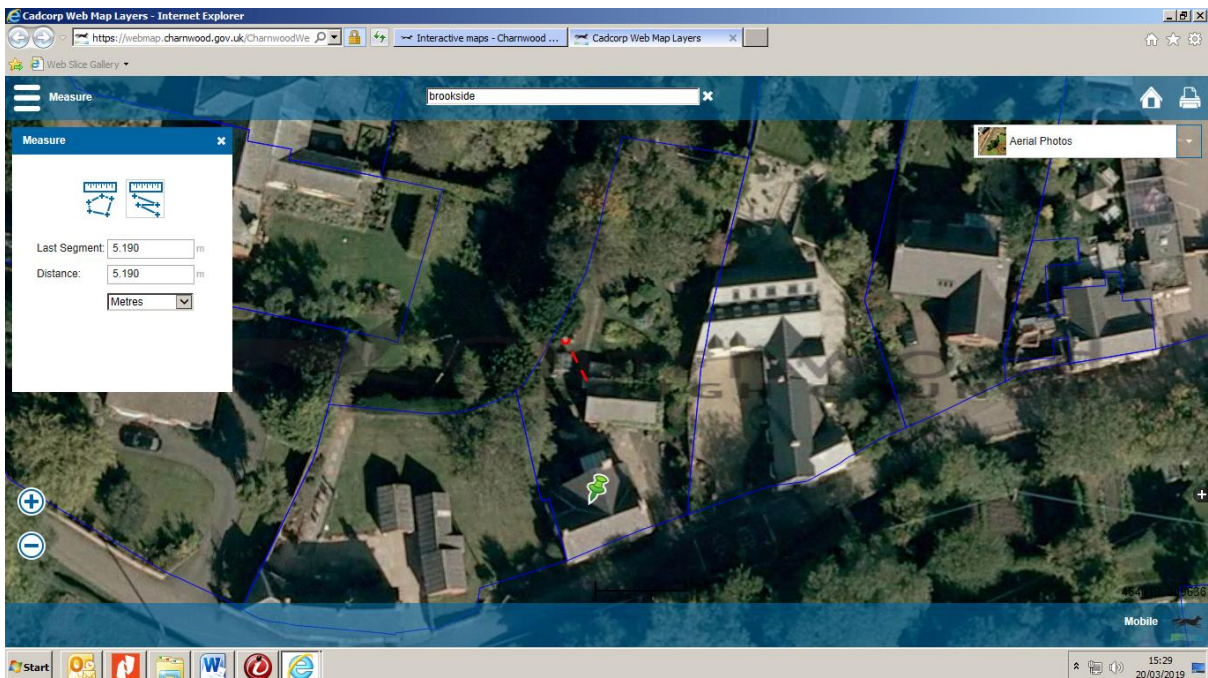
Nola O'Donnell MAgrSc Dip (hons) LA CMLI

Senior Landscape Officer trees@charnwood.gov.uk

APPENDIX A Photographs



Aerial photograph – edge of crown spread of T1 approx. 3m+ from edge of roof.



Aerial photograph – edge of crown spread -group G1 from edge of garage approx. 5m+

APPEALS AND REVIEWS COMMITTEE 1ST APRIL 2019

Report of the Head of Strategic Support

ITEM 6 BOROUGH OF CHARNWOOD (1 AND 3 SOAR ROAD, QUORN) TREE PRESERVATION ORDER 2019

The above Order relates to 2 Scots pine trees (a Scots pine tree in the frontage of number 3 and another Scots pine tree to the rear of number 1) which are visually prominent from Soar Road, School Lane, Stoop Lane and Harrington Close. 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. While the trees would benefit from some minor remedial works, removal of both trees would yield a significant adverse impact on the landscape character of this part of the Conservation Area along the Soar. Therefore, the Council's Head of Planning and Regeneration considered it appropriate to ensure the trees were properly protected and retained in a satisfactory manner through the making of this Tree Preservation Order.

Therefore, an Order was made on 16th January 2019 to provisionally protect the trees.

A copy of the Order is attached at **Annex 1**.

Objections to the Order were received from Mr Turner of 3 Soar Road, Quorn (objection received on 25th January 2019) and from Mrs Harrison of 1 Soar Road, Quorn (objection received on 29th January 2019).

A copy of the objections is attached at **Annex 2**.

The Head of Planning and Regeneration's comments on the issues raised in the objections are attached at **Annex 3**.

In conclusion, the Committee is asked to consider the issues raised by the objector and the comments of the Head of Planning and Regeneration in accordance with the procedure set out and determine whether or not the Tree Preservation Order should be confirmed.

Officer to contact: Nadia Ansari
Democratic Services Officer
01509 634502
nadia.ansari@charnwood.gov.uk

Town and Country Planning Act 1990
The Borough of Charnwood (1 & 3 Soar Road, Quorn)
Tree Preservation Order 2019

The Charnwood Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order:

Citation

1. This Order may be cited as The Borough of Charnwood (1 & 3 Soar Road, Quorn) Tree Preservation Order 2019.

Interpretation

2. (1) In this Order “the authority” means the Charnwood Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this sixteenth day of January 2019

The Common Seal of the Charnwood Borough Council
was affixed to this Order in the presence of:





2018-19-146

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Scots Pine	Situated in SW corner of the frontage of 3 Soar Road at OS grid reference SK 456502 316706.
T2	Scots Pine	Situated to rear of 1 Soar Road adjacent to car port and northern boundary wall at OS grid reference 456526 316694.

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees (within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	None	

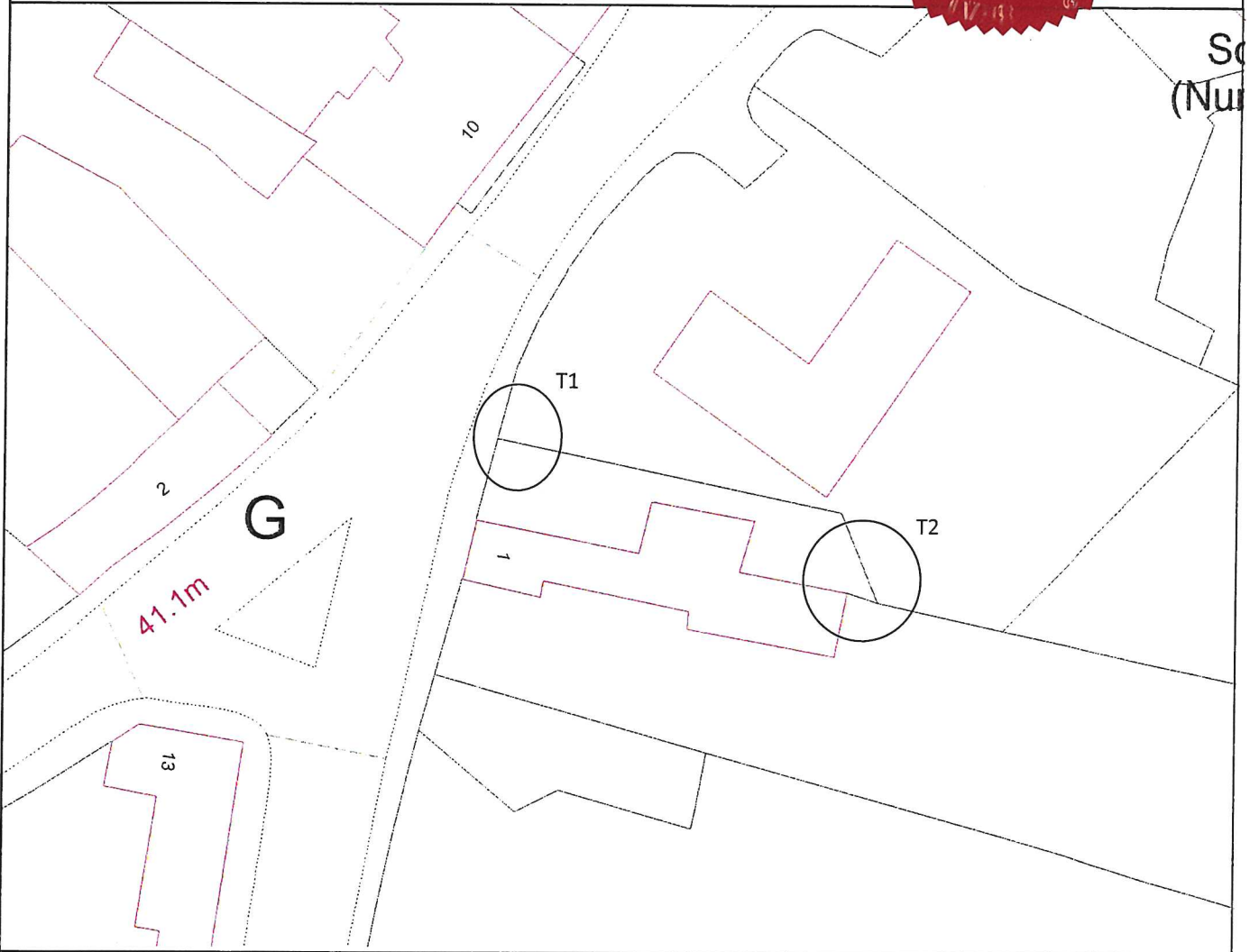
Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
	None	

I certify this map shows the tree referred to in the first schedule of the Borough of Charnwood (1 & 3 Soar Road, Quorn) Tree Preservation Order 2019



Authorised signatory *[Handwritten Signature]*



**Borough of Charnwood
(1 & 3 Soar Road, Quorn)
Tree Preservation Order 2019**

R Bennett Dip. TP. MRTPI
Head of Planning & Regeneration
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 15 January 2019
Scale: 1:500
Prep: NOD

Rec'd 25/01/19

ANNEX 2

24/01/2019

Laura Strong

Tree Removal application P/18/2499/2

I applied to have a Scots pine tree removed from my garden at 3 Soar Road, Quorn, which is very close to my boundary wall.

I would like to appeal against your decision to apply for a Tree Preservation Order on the tree.

The roots of this tree have grown through the adjacent boundary wall causing it to lean for a long period before eventually falling down on to the footpath dangerously. The wall has now been rebuilt but I require this tree to be removed to prevent the wall coming down again.

I originally sent photos of the tree and of the wall whilst it was down. I am now sending you new photos clearly showing the roots growing through the wall and raising the footpath. The photos are number 1 – 6.

If you could let me know the date of the appeal as I understand I can put my case to the committee.

Many thanks

Stuart Turner
3 Soar Road,
Quorn,
Loughborough,
Leicestershire.
LE12 8BN

Handwritten marks, possibly initials or a signature, including a large 'S' and 'T'.

Roots growing
through scotpath



Exposed roots
from tree growing
through the wall

2



Tree showing
being to close
the wall

3



Re-building work

4



Completed wall
after re-build
from footpath

⑤



Completed wall
after re-build
from inside
my boundary

6



Additional correspondence received 07.03.19 to be added to objection
already received from Mr Turner, 3 Soar Road, Quorn

Rec'd
7/3/19

7/3/19

I enclose my letter of appeal and photographs to object against the Tree Preservation Order
at my property.

Stuart Turner
3 Soar Road
Quorn
Loughborough
Leicestershire
LE12 8BN

EVIDENCE FOR MY APPEAL AGAINST T.P.O
AT 3 SOAR RD QUORN

7/3/19

Approximately 45 years ago I built my bungalow at 3 Soar Road, Quorn. At that time the pine tree was approximately 5 feet tall and the adjacent boundary wall was in perfect condition.

Over the years as the tree has grown the wall began to lean towards the footpath on Soar Road. Eventually the wall collapsed on to the footpath and had to be re built at a cost of £3000.

The photographs enclosed consist of –

Photos 1 & 2 – Tree roots growing in to the foundations

Photo 3 – Tree roots going through wall and lifting footpath

Photo 4, 5 & 6 – Rebuilding work of wall and tree position

Photo 7, 8 & 9 – Completed rebuilt wall showing showing new and old sections. Note that the old section to the left is away from the tree and is in perfectly good condition.

Stuart Turner
3 Soar Road
Quorn
Loughborough
Leicestershire
LE12 8BN



①

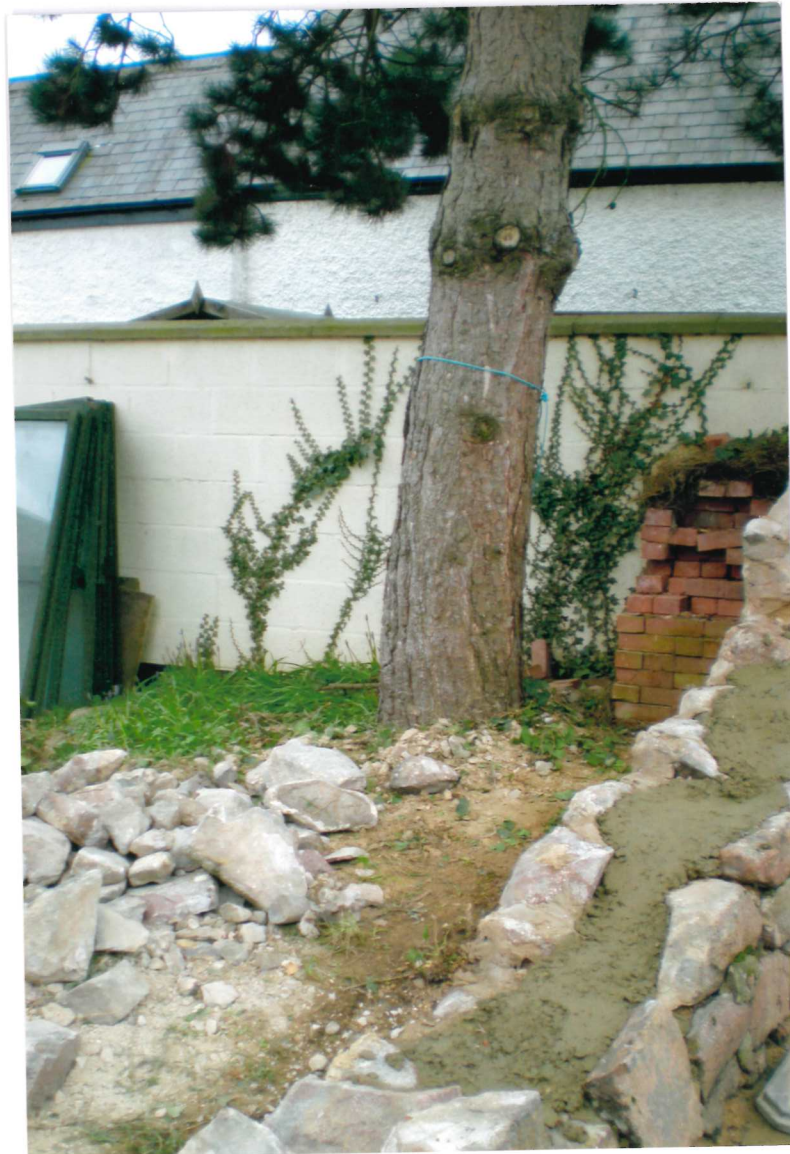


②





5



6

7



PHOTO GRAB

8

MY MISTAKE ON PHOTO
SHOWING NEW PAVED
AD STREET TO THE TREE
SHOWS THE ORIGINAL WALL
ON THE LEFT STILL IN
GOOD CONDITION.



(9)

REBUILT SECTION
OF WALL
CLEARLY SHOWING THE
EXISTING WALL TO THE LEFT
IN PERFECTLY EVEN ORDER

Rec'd 29/01/19
✓ NOLA 29/01/19

1 Soar Road
Quorn
Leics.
LE12 8BN

28th January 2019

FAO. Mrs Laura Strong
Democratic Services Officer
Charnwood Borough Council
Southfields Road
Loughborough
Leics LE11 2TN

Dear Laura

I wish to raise objections to the Tree Protection Order(s) placed on the trees at Nos. 1&3 Soar road Quorn.

My neighbour (Mr Turner) at No.3 and I would like to meet with the committee members dealing with the applications for removal of these trees to discuss our reasons for the objections.

My application for removal of the trees included various items and photographs which will be on file with Nola (senior Landscape Officer). However I now have further concerns to add to them.

Yours sincerely,

Mrs K. M. Harrison

Note: Mrs Harrison asked that the documents she submitted in respect of her application to remove the trees be attached to this objection. Those documents are therefore attached.

Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.
Town and Country Planning Act 1990

Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to the Local Planning Authority in accordance with the legislation detailed on this form.

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it. Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to the Local Planning Authority in agreement with the declaration section.

Upon receipt of this form and any supporting information, it is the responsibility of the Local Planning Authority to inform you of its obligations in regards to the processing of your application. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

Local Planning Authority details:

Planning and Regeneration Service
Charnwood Borough Council, Southfield Road
Loughborough, LE11 2TN

Telephone: 01509 634570
E-mail: development.control@charnwood.gov.uk



Charnwood

Publication of applications on planning authority websites

Information provided on this form and in supporting documents may be published on the authority's planning register and website.

Please ensure that the information you submit is accurate and correct and does not include personal or sensitive information. If you require any further clarification, please contact the Local Planning Authority directly.

If printed, please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes and help text as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

2. Agent Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

3. Trees Location

If all trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (if known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

4. Trees Ownership

Is the applicant the owner of the tree(s): Yes No
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone numbers

Country code:	National number:	Extension number:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Country code:	Mobile number (optional):	
<input type="text"/>	<input type="text"/>	
Country code:	Fax number (optional):	
<input type="text"/>	<input type="text"/>	

Email address (optional):

5. What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a TPO? Yes No

Are you wishing to carry out works to tree(s) in a conservation area? Yes No

6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

Variety of tree: - conifer possibly Scots pine. Located at back of carport.

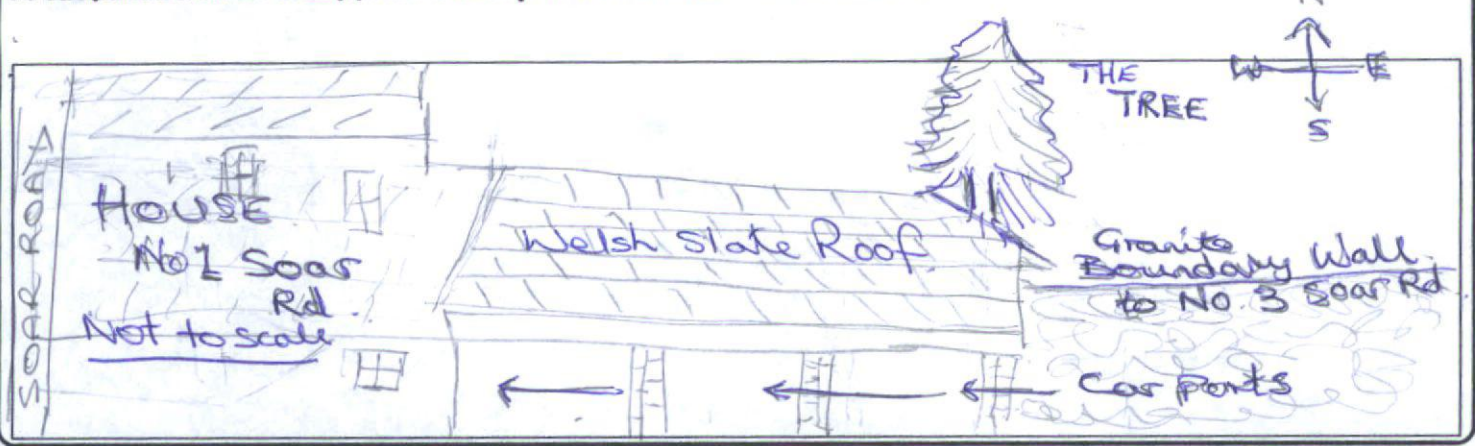
Removal (total) - Roots of tree too close to rear of premises, rapid growth this year 2018!! damage to premises imminent at current rate of growth!!

The area has paviers which are lifting.

The trunk of the tree is very close to the guttering of carport - could damage in near future!

[Roots - exposed 1.5 metres from building - measures 5cms. thick!

7. Identification Of Tree(s) And Description Of Works continued ...



8. Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall: Yes No
 If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives. Yes No
 If YES, you are required to provide for:

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

Are you providing separate information (e.g. an additional schedule of work for Question 7)? Yes No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

Enclosed: 1 Report from K HARRISON.
 4 letters from Stuart Turner. 3 Photocopies of tree root damage x 3
 - " - " - " - showing position to x1 carports.
 3 Photographs x 5 showing closeness of bungalow next door.

9. Authority Employee / Member

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "relating to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and/or agent? Yes No
 With respect to the authority, I am:
 (a) a member of staff
 (b) an elected member
 (c) related to a member of staff
 (d) related to an elected member

If Yes, please provide details of their name, role and how you are related to them.

10. Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

Sketch Plan

- A sketch plan showing the location of all trees (see Question 8)

For all trees

(see Question 7)

- Clear identification of the trees concerned
- A full and clear specification of the works to be carried out

For works to trees protected by a TPO

(see Question 7)

Have you:

- stated reasons for the proposed works?
- provided evidence in support of the stated reasons? in particular:
 - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert
 - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist.
 - in respect of other structural damage - written technical evidence
- included all other information listed in Question 8?

11. Declaration - Trees

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

(This date must not be before the date of sending or hand-delivery of the form)

12. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

13. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

Electronic communication - If you submit this form by fax or e-mail the LPA may communicate with you in the same manner. (Please see guidance notes)

18 / 2520 / 2

1 Soar Road
Quorn
Leics
LE12 8BN

Service Centre			
File Ref		Please File	
06 DEC 2018			
F.A.O		Issued to	

Planning & Regeneration Service
Charnwood Borough Council,
Southfield Road
Loughborough
Leics
LE11 2TN

Ref: removal of tree at No 1 Soar Road Quorn

This tree has grown so much in recent years it is now producing roots that are lifting the paviors on the patio near my house. They have certainly reached the building and will do further damage if not dealt with.

I enclose recent photographs which show my concerns. Also enclosed a letter and photographs from Mr S Turner (my neighbour) of No.3 Soar Road supporting my application for removal of the tree on my land showing the closeness of the tree to his bungalow .

The trunk of this tree is very close to the guttering on my carports which is another concern of mine. I feel climate change has had a part to play in the increased changes in this trees growth.

From: Mrs K Harrison (owner of tree)

PHOTO TAKEN FROM VIEW AT NO 1 SOAR RD - BY MRS K HARRISON.
THIS TREE BRANCH IN A HIGH WIND, SHED ONTO MY HOUSE
GUTTERING AND SHED ROOF

1

18 / 2520 / 2

The scaffolding shown was to enable us to remove the branch without further damage to property.



This relates to
MR S TURNER'S
recent application
for permission to
totally remove the
tree at

No. 3. Soar Rd
QUORN.

Customer Service Centre	
File Ref:	Please File
06 DEC 2018	
FAO	Passed To

PHOTO TAKEN FROM VIEW OF FALLEN BRANCH - FROM NO 1 SOAR ROAD.
THE TREE BRANCH FROM MR TURNER'S TREE WHICH
IN A HIGH WIND LANDED ON MY SHED ROOF AND HOUSE
GUTTERING.

THE TREE DOES ~~A~~ TOUGH HIGH VEHICLES ON THE ROAD (SOAR ROAD)
AND TELEPHONE WIRES WHICH CROSS ~~SOAR~~ SOAR RD.

18/ 2520/2

THIS.

PHOTO RELATES TO
MR S. TURNER'S RECENT
APPLICATION FOR
REMOVAL COMPLETELY
OF THE TREE IN THE
CORNER OF HIS PROPERTY/
GARDEN, AT NO 3 SOAR ROAD
WHICH IS NOW HANGING
OVER MY PROPERTY.



Customer Service Centre	
File Ref	Places File
06 DEC 2018	
FAO	Passed To:

4.

Closeness of
Pine tree
shown in
relation to
car-pots at

No. 1 Soar Rd
QUORN.



1



← Roots have reached to here (at least) if not more so.

2.



Tree root
with pavers
removed
as shown
in 1

3)

relationship of removed parasites
to damage elsewhere

Further damage
to parasites area.

R







Rec'd 18/03/19
by hand.

Additional correspondence received 18.03.19 to be added to objection already received from Mrs Harrison, 1 Soar Road, Quorn

1 Soar Road
Quorn
Leics.
LE12 8BN

16th March 2019

Mrs Laura Strong
Democratic Services Officer
Charnwood Borough Council
Loughborough
LE11 2TN

Dear Mrs Strong

Ref: Borough of Charnwood (1 SOAR ROAD QUORN)
TREE PRESERVATION ORDER 2019

(T2)

I would like to attend the appeals and reviews meeting on Monday 1st April 2019.

I wish to add to my previous objections the following observations:

During high winds because the crown of the tree is so thick and high the movement of the trunk is becoming frightening.

This tree is very tall and sits adjacent to an open field which means it gets the full force of strong winds against its canopy.

The lowest branch overhangs a building at present. I think any raising of the crown would make the tree's centre of gravity even higher and more dangerous.

Please could these points be considered by the committee for the meeting.

Yours sincerely,

Mrs K. Harrison

Rec'd 18/03/19
by hand

1 Soar Road
Quorn
Leics.
LE12 8BN

16th March 2019

Mrs Laura Strong
Democratic Services Officer
Charnwood Borough Council
Loughborough
LE11 2TN

Dear Mrs Strong

Ref: Borough of Charnwood (3 SOAR ROAD QUORN)
TREE PRESERVATION ORDER 2019

(T1)

I would like to attend the appeals and reviews meeting on Monday 1st April 2019.

I wish to add to my previous objections the following observations:

50% of the tree canopy overhangs the Soar Road wall, footpath and road so that a massive amount of pine needles and cones accumulate in the gutter preventing the storm water from draining away.

The overhanging branches swipe buses and large sided lorries passing the tree.

A telephone wire is now passing through the branches.

A large amount of thick very heavy branches are now overhanging my property-over my shed and terrifyingly close to my house.

Please could these points be considered by the committee before the meeting.

Yours sincerely



Mrs K Harrison.

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)

Contact Officer:

Nola O'Donnell MAgrSc Dip (hons) LA CMLI

Senior Landscape Officer trees@charnwood.gov.uk

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.