



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), Howe (Vice-Chair), J. Bradshaw, S. Bradshaw and Needham (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 the Preston Room, Woodgate Chambers, Woodgate, Loughborough on Monday, 19th July 2021 at 5.00 pm for the following business.

Chief Executive

Southfields
Loughborough

9th July 2021

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 (104 MAIN STREET, SWITHLAND)
TREE PRESERVATION ORDER 2021 6 - 19

A report of the Head of Strategic Support.

6. BOROUGH OF CHARNWOOD (516 BRADGATE ROAD,
NEWTOWN LINFORD) TREE PRESERVATION ORDER 2021 20 - 38

A report of the Head of Strategic Support.

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.

WHERE TO FIND WOODGATE CHAMBERS

Woodgate Chambers
70 Woodgate
Loughborough
Leics
LE11 2TZ

APPEALS AND REVIEWS COMMITTEE 19TH APRIL 2021

PRESENT: The Chair (Councillor Capleton)
The Vice Chair (Councillor Howe)
Councillors S. Bradshaw, K. Harris and Needham

Mrs Baksa and Mr Carter (Item 5)
Mr Young and Mr McGarry (Item 6)

Locum Solicitor
Team Leader Natural & Built Environment
Senior Landscape Officer
Democratic Services Officer (SW)
Democratic Services Officer (LS)

APOLOGIES: None

The Chair stated that this virtual meeting was being livestreamed as a public meeting and would be recorded and the 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.

17. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the Committee held on 17th November 2020 were received and noted.

18. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

19. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

20. BOROUGH OF CHARNWOOD (129 ROTHLEY ROAD, MOUNTSORREL) TREE PRESERVATION ORDER 2020

Considered a report of the Head of Strategic Support 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).

Assisting with consideration of the report: the Locum Solicitor.

The Head of Planning and Regeneration's representatives and the objector and her representative 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 (129 Rothley Road, Mountsorrel) Tree Preservation Order 2020 be confirmed with modification to remove trees T2, T3 and T5 from the order.

Reason

Having considered, in accordance with the procedure set out in the Council's Constitution, the objection to the Order, the Committee considers that the reasons put forward for not protecting the trees T2, T3 and T5 outweigh the contribution they make to the amenity of the area and that trees T2, T3 and T5 should not therefore be protected.

21. BOROUGH OF CHARNWOOD (THE BRADGATE, 37 MAIN STREET, NEWTOWN LINFORD) TREE PRESERVATION ORDER 2020

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

Assisting with consideration of the report: the Locum Solicitor.

The Head of Planning and Regeneration's representatives and both 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 (The Bradgate, 37 Main Street, Newtown Linford) Tree Preservation Order 2020 be confirmed without modification.

Reason

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

Notwithstanding the above, the Committee noted that the protection afforded by the Order did not prevent the future and appropriate management of the trees via an application for works to trees subject to a tree preservation order.

NOTE:

No reference may be made to these minutes at the next available Ordinary Council meeting 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.

APPEALS AND REVIEWS COMMITTEE 19TH JULY 2021

Report of the Head of Strategic Support

ITEM 5 BOROUGH OF CHARNWOOD (104 MAIN STREET, SWITHLAND) TREE PRESERVATION ORDER 2021

The above Order relates to 3 trees, T1 – Ash, T2 – Crack Willow, T3 – Crack Willow situated at the above property.

The Council's Head of Planning and Regeneration considers the trees make a significant contribution to the visual amenity, character and appearance of Conservation Area of Swithland. A S211 Notice P/21/0289/2 was received seeking to fell three trees, an Ash and two Crack Willow along the eastern boundary which is a drystone wall. The reason cited for seeking to fell is to rebuild the drystone wall. However drystone walls traditionally can incorporate presence of trees within the wall alignment or be built around trees. A lean in Crack Willow was also mentioned. Should any tree become an issue it would be possible to resolve via the application process or, if any tree presented an immediate risk of serious harm, via The Town and Country Planning (Tree Preservation) (England) Regulations 2012 exception clause 14. The trees, which present as wooded backdrop to the built form of the settlement, are worthy of retention and preservation so that they can be placed under proper care and attention. Therefore, the Head of Planning and Regeneration considers it is appropriate to ensure that the trees are properly protected and retained in a satisfactory manner through the making of a Tree Preservation Order.

Therefore, an Order was made on 23rd March 2021 to provisionally protect the trees.

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

An objection to the Order was received on 13th April 2021 from Johnson Tree Care.

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

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

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 to determine whether or not the Tree Preservation Order should be confirmed and, if so, whether with or without modification.

Officer to contact: Laura Strong, Democratic Services Officer
01509 634734
laura.strong@charnwood.gov.uk

Town and Country Planning Act 1990
The Borough of Charnwood (104 Main Street, Swithland)
Tree Preservation Order 2021

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 (104 Main Street, Swithland) Tree Preservation Order 2021.

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 23rd day of March 2021

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


.....



2020-21-146

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Ash	Rear garden adj. to outbuilding.
T2	Crack Willow	Rear garden on boundary stone wall.
T3	Crack Willow	Rear garden boundary stone wall.

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	

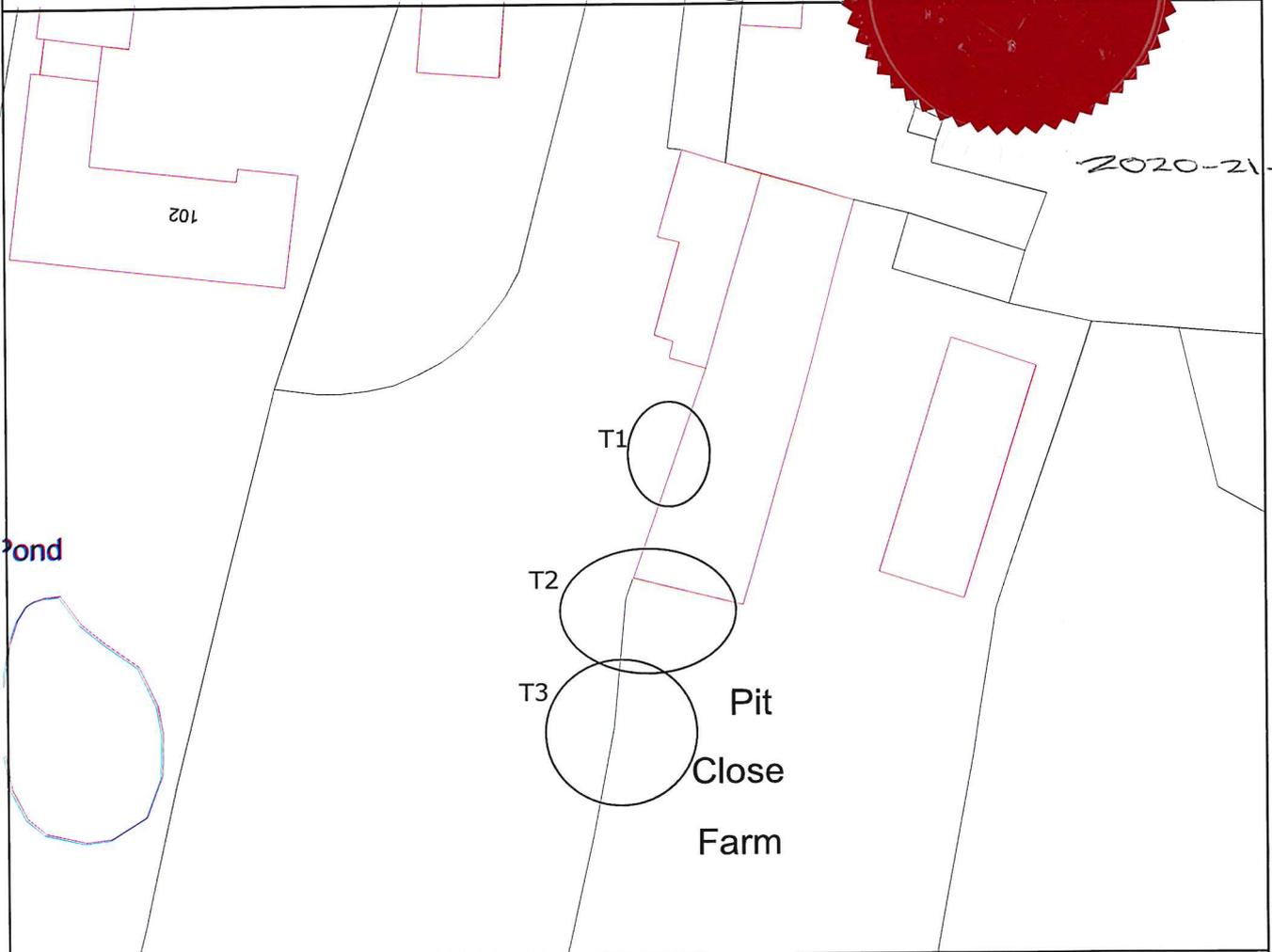
Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
	None	

I certify this map shows the tree referred to in the first schedule of the Borough of Charnwood (104 Main Street, Swithland) Tree Preservation Order 2021



Authorised signatory 



Borough of Charnwood
(104 Main Street, Swithland)
Tree Preservation Order 2021

R Bennett Dip. TP. MRTPI
Head of Planning & Regeneration
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 22 Mar 2021
Scale: 1:500
Prep: NO'D

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ANNEX 2
TRUSTMARK
Government Endorsed Quality

info@johnsontree.co.uk
www.johnsontree.co.uk

13th April 2021

Re: P/21/0289/2 Decision Notice

Dear Ms. Strong,

We confirm receipt of the decision notice in relation to the above application.

Edward Severn DipArbL4 (ABC), Tech ArborA of Johnson Tree Care carried out a 2nd site visit at the property on the 9th April. We wish to put forward our objections detailed below.

Trees:

T1 - Ash – No objection to TPO. If this tree was removed it would make a considerable difference in the wooded back drop.

T2 – Crack Willow – 3 east facing long branches becoming over weighted. Can only be seen from the road and footpath directly outside of N0 104's drive, 105's drive and 103's drive. (See Photos)

T3 – Crack willow – 2 large diameter tear outs. Deadwood throughout the crown. Can only partially be seen from the road or footpaths due to close proximity to T2. (See Photos)

Opinion:

T2 and T3 are only visible from 3 areas of Main Street and only make up a small portion of the wooded back drop of the property. T3 can only be seen from the drive of no 105. Their removal would reveal a more visually appealing birch tree. The change in the wooded back drop can be seen on the photos 1, 2 and 3. The removal of these trees would allow for T1 to stand out within the landscape and will also benefit from the extra light gained. The removal of these trees would also allow for 3 other trees, 2 Norway spruce and 1 Horse Chestnut to grow into the landscape.

Summary:

T2 and T3 if removed would not damage the visual amenity, character or appearance of the conservation area of Swithland or harm the wooded back drop of the property.

We trust that this meets with your approval and look forward to receiving a positive outcome

Yours sincerely

Lisa Johnson



Office: 01530 242478 Mobile: 07967 137471

The Barn, Corner Farm
Copt Oak Road,
Markfield
Leicestershire LE17 9PJ

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JOHNSON

TREE CARE



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Office: 01530 242478 Mobile: 07967 137471

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JOHNSON

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REPORT OF THE HEAD OF PLANNING AND REGENERATION

APPEALS AND REVIEW COMMITTEE, 19 July 2021

BOROUGH OF CHARNWOOD (104 Main Street) TREE PRESERVATION ORDER 2021 - PROVISIONAL

1.0 Introduction

1.1 Background

A S211 Notice P/21/0289/2 was received seeking to fell three trees, an Ash and two Crack Willow along the eastern boundary which is a dry/stone wall. The reason cited for seeking to fell is to rebuilt the drystone wall. However dry/stone walls traditionally can incorporate presence of trees within the wall alignment or be built around a trees. (See appendix) One Crack Willow leans though no evidence that this was a progressive lean was presented. Should any tree become an issue it would be possible to resolve via the application process or if any tree presented an immediate risk of serious harm via the Tree The Town and Country Planning (Tree Preservation)(England) Regulations 2012 exception clause 14.

1.2 The Site

The site is the the rear of the dwelling, a former farmstead. The tree form part of the collective wooded backdrop to the street and as such contributed to the character and appearance of the Conservation area.

1.3 Condition of the trees

The trees were not individually examined as part of the TPO process.

2.0 The Objections to the Order

The objections to the Order were received by email.

Objection - Mrs Johnson of Johnson Tree Care -Agent

The objection letter is based on the opinion of a fully trained tree consultant Mr Edward Severin DipArbL4 (ABC), Tech ArborA who agrees that T1 ash merits TPO and confirms that its loss would have considerable effect on the wooded backdrop.

The Objection focuses on the crack willow T2 and T3 asserting that

T2 and T3 are reported to be of minor contribution to the wooded backdrop effect with limited points of visibility along the street. This is highlighted in the series of photographs. The position of the arborist is that the loss of these tree would be mitigated by revealing views of other trees.

The objection also gives detail on the condition of the trees finding that T2 has three over-weighted limbs and T3 two large tear out wounds.

No other written representations have been made in relation to the Order.

3.0 Response to the Objections

1. I note there is no objection to placing T1 ash under TPO. This should allow for TPO for this tree to be confirmed
2. I note the evaluation of the viewpoints to T2 and T3 that the views to the trees are not continuous but seen for gaps between built form. Indeed the cadence of such views is of itself an important aspect of the character of the streetscape and should not be seen to diminish the importance of the trees which form significant portions of those views. The highlighting on the images is helpful in confirming their contribution. The point I accept is that there are other trees which visually will be seen should T2 and T3 be removed.
3. I note the arborists report on the trees condition. None of the issues would necessarily require remedy by loss of the trees by felling. The over-weighted limbs of T2 could be reduced and the deadwood in the crown of T3 could be removed. Indeed deadwood removal is an exempt operation for TPO trees so the TPO would not prevent remedial works. The tear-out wounds are evidence of major limb failure in the past and I accept that a tree with a combination of repeated limb failure and significant deadwood may need radical crown work such as pollarding were the tree of major visual importance and ultimately removal. It is well known that crack willow become increasingly brittle with age and to extend their lifespan would require pollard management or felling.

Taking all the submitted evidence into account, I accept that T3 crack willow does not merit TPO.

4.0 Conclusion

Removing the Order by failing to confirm it at this appeal and review committee would mean T1 and T2 crack willow would be subject to felling with the loss of their amenity to the area. The only way to secure the trees presence and subsequent replacement is via confirming the Order.

The committee is therefore recommended to confirm the Order with modification listing T1 ash and T2 Crack Willow.

Contact Officer:

Nola O'Donnell MAgrSc Dip (hons) LA CMLI

Senior Landscape Officer

Contact: trees@charnwood.gov.uk

APPENDIX A

Images of drystone wall details accommodating presence of tree







APPEALS AND REVIEWS COMMITTEE 19TH JULY 2021

Report of the Head of Strategic Support

ITEM 6 BOROUGH OF CHARNWOOD (516 BRADGATE ROAD, NEWTOWN LINFORD) TREE PRESERVATION ORDER 2021

The above Order relates to 1 tree, T1 – Weeping Willow situated at the above property.

The Council's Head of Planning and Regeneration considers the tree makes a significant contribution to the visual amenity, character and appearance of Newtown Linford. An application P/20/2417/2 for an extension with a double garage was received. The full works description is "two storey side extension & single storey rear conservatory to the existing house, to provide additional residential accommodation; relocate the existing double garage to the front of the house". However, the development proposal includes for the removal of a mature weeping willow, which is a prominent specimen along Bradgate Road. The tree is situated in the front garden and has a history of crown work. The submitted tree survey categorised the tree as retention Category C. The evaluation seems to underplay the significance of the tree and its amenity merit and projected potential remaining life span. The rationale for removing the tree is described as necessary "to accommodate the proposed garage". The fact the tree had a history of pollard pruning was also cited to support the removal of the tree on safety grounds. However, this assertion is at odds with the retention Category C assigned to the tree in the survey schedule. Trees which are hazardous and present risk would attract a Cat U for removal. A new double garage could easily be provided without the loss of the tree. There is also ample scope on site to position the garage further away from the tree. The property lies outside of the Conservation Area and therefore has no level of protection. The tree is worthy of retention and preservation so that it can be placed under proper care and attention. Therefore, the Head of Planning and Regeneration considers it is appropriate to ensure that the tree is properly protected and retained in a satisfactory manner through the making of a Tree Preservation Order.

Therefore, an Order was made on 19th March 2021 to provisionally protect the tree.

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

An objection to the Order was subsequently received on behalf of the owner of the property.

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

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

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 to determine whether or not the Tree Preservation Order should be confirmed and, if so, whether with or without modification.

Officer to contact: Laura Strong
Democratic Services Officer
01509 634734
laura.strong@charnwood.gov.uk

Town and Country Planning Act 1990
The Borough of Charnwood (516 Bradgate Road, Newtown Linford)
Tree Preservation Order 2021

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 (516 Bradgate Road, Newtown Linford) Tree Preservation Order 2021.

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 19th day of March 2021

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


.....



2020/21 - 145

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Weeping Willow	Front garden SK452456 309670

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	

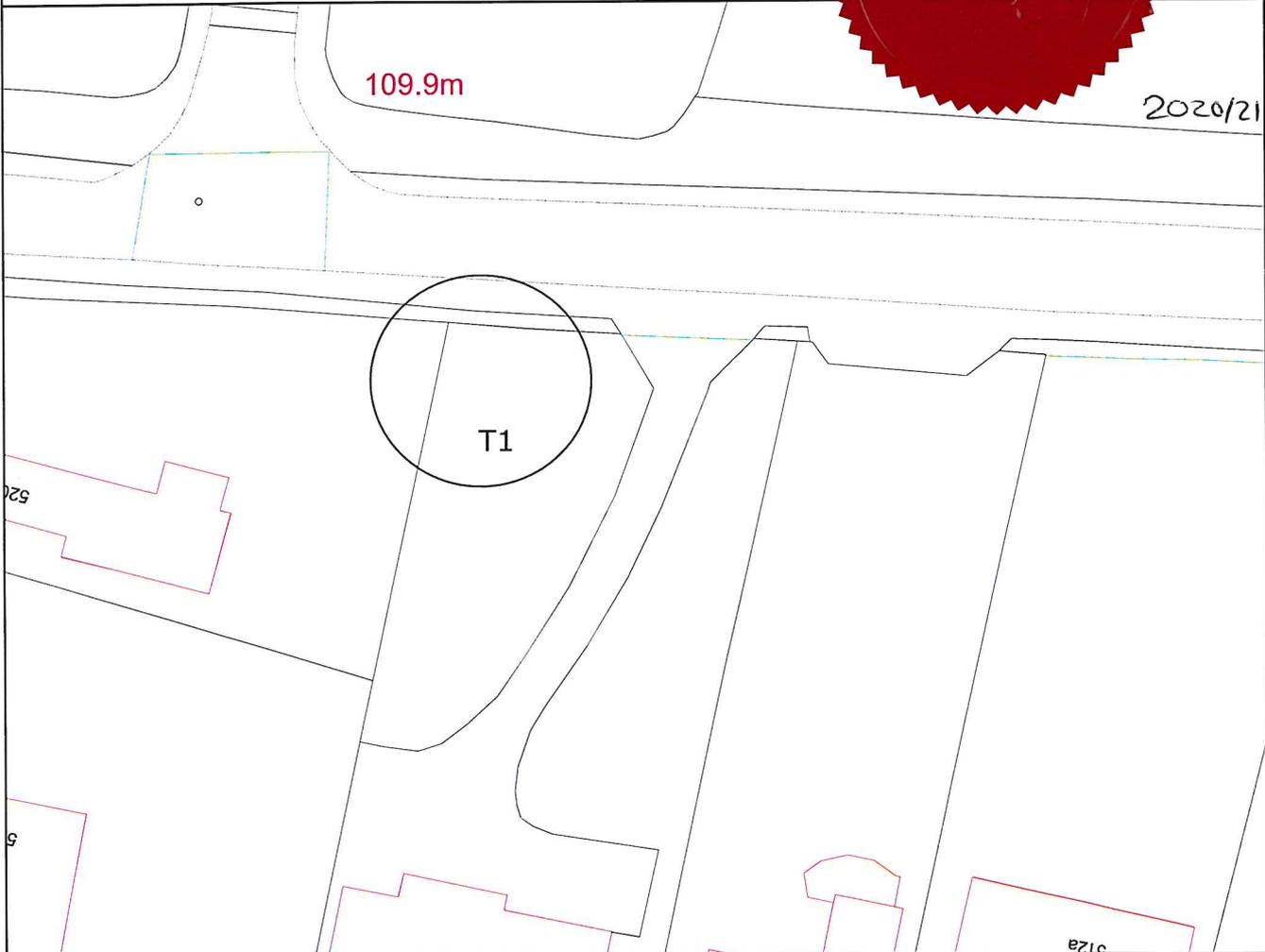
Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
	None	

I certify this map shows the tree referred to in the first schedule of the Borough of Charnwood (516 Bradgate Road, Newtown Linford) Tree Preservation Order 2021



Authorised signatory 



2020/21 - 145

Borough of Charnwood
(516 Bradgate Road, Newtown Linford)
Tree Preservation Order 2021

R Bennett Dip. TP. MRTPI
Head of Planning & Regeneration
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 17 Mar 2021
Scale: 1:500
Prep: NO'D

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Mr Brennan
516 Bradgate Road
Newton
Linford
Leicestershire
LE6 0HB

JCA Ref: 17192a/DK

DATE: 11th June 2021

Dear Sir/Madam

Objection to Tree Preservation Order 2020/21-14 on the Weeping Willow at 516 Bradgate Road, Newton, Linford, Leicestershire LE6 0HB.

JCA has been commissioned by our client Mr Brennan to provide an objection letter regarding the placement of a Tree Preservation Order on the Weeping Willow (**T1**) shown on the included plan and situated in the front garden of number 516 Bradgate Road. It is understood that Mr Brennan has already communicated his objection to the Local Planning Authority. This letter provided by JCA is based on the information provided by Mr Brennan (see below) and refers only to the Weeping Willow at this location.

A site visit was made on Monday 19th May 2021 by **Daniel Kemp FdSc Arboriculture**, to survey the tree. Photographs of the subject tree have been taken and are included with this letter.

We are advised by Mr Brennan of a number of reasons for the objection to the Tree Preservation Order, including the potential future nuisance the tree has and is likely to cause. Mr Brennan has advised that the tree has shed numerous branches onto the neighbouring properties. This was evident during the visit as the tree's crown looked relatively sparse, thin and had numerous pruning cuts evident within and around the lower crown area, indicating the numerous branch losses, the points from where these branches have failed from and have now been pruned back to. The tree has consequently lost much of its valuable natural branch volume, natural peripheral shape and now has a poor pendulous weeping habit (see **Photo 1**), the natural form which is expected from a Weeping Willow.

The tree is also noted to be growing remotely from a source of water. This species is considered to be well adapted to growing near to water and is therefore considered inappropriate where it is presently located, within a residential garden setting and remote from a water course or other source of water.

Further concern has also been voiced by Mr Brennan of more branches failing, particularly where the crown overhangs the adjacent highway.

There are numerous other trees which far outweigh the amenity value of the Weeping Willow T1. Bradgate Park on the north side of Bradgate Road contains many fine trees, many of which are old Oaks and there are many additional trees both broadleaf and coniferous growing in neighbouring gardens and along the highway verge providing further significant amenity value to the area.

In view of the above issues mentioned, Mr Brennan has advised that four additional trees will be planted within the front garden area to mitigate the removal of the Weeping Willow tree. General specification details are included below, however, a professional, full detailed planting schedule will be commissioned with a view to helping ensure all four trees are planted correctly and each tree obtains the maximum reasonable chance of becoming established.

The general positions of the four trees have been shown on the plan, included with this letter. The *Quercus robur*, English Oak has the potential to grow to a substantial size and the three other species being considered will provide good ornamental value to the garden along with a number of shrub beds being proposed.

All four trees will be a minimum standard size in accordance with **British Standard 3936 part 1 Specification for Trees & Shrubs** and all four trees will be planted in accordance with current best practices.

Where development works are being carried out, planting shall be planned at the appropriate time immediately following development. During all development, a minimum three metre radial area will be adequately fenced off around the proposed planting positions to protect the ground from damage occurring, such as soil compaction.

We respectfully request that you take this objection into consideration.

Assuring you of our best attention at all times.

Yours sincerely

Daniel Kemp

Dan Kemp *FdSc (Arboriculture)*.

On behalf of Mr John Brennan, 516 Bradgate Road.





Photograph 1: Viewed from Bradgate Road (north side). The west and north sides of the tree's crown in particular have been effected by the loss of large parts of the tree's crown as has the natural weeping effect these tree species normally produce.



Photograph 2: Viewed from the east side. A few of the wounds where branches within the tree's crown have been lost in the past and the thinning crown structure.



Plant *Prunus serrula* 'Branklyn'

Wall footings (600mm deep)

Bradgate Road

Plant *Quercus robur*

520 Bradgate Road

Plant *Betula utilis* subsp. *jacquemontii* 'Snow Queen' (multi-stemmed)

Plant *Prunus serrula*

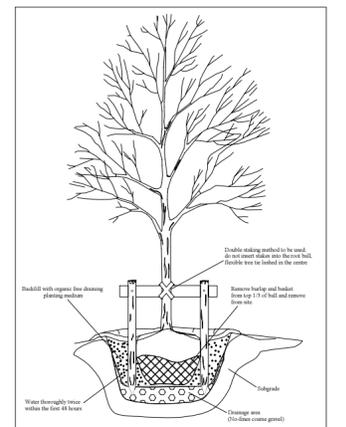
Gas line (600 to 900mm deep)

518 Bradgate Road

516 Bradgate Road

514 Bradgate Road

Inset 1: an example of planting a tree in an open area or grass strip



Appendix 7: Arboricultural Implications Plan and Planting Plan

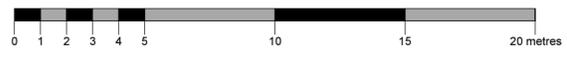
ADDRESS: 516 Bradgate Road, Newton, Linford, Leicestershire, LE6 0HB.
JCA REF: 17192/DK

SCALE : 1:200 PAPER SIZE : A2

	TREE TO BE RETAINED
	TREE TO BE REMOVED
	STEM OF TREE TO BE RETAINED
	STEM OF TREE TO BE REMOVED
	ROOT PROTECTION AREA
	ROOT PROTECTION AREA ENCRoACHED BY THE PROPOSED DEVELOPMENT
	PROPOSED DEVELOPMENT
	RECENT TRENCH EXCAVATIONS



THIS PLAN IS TO BE PRINTED IN COLOUR AND READ IN CONJUNCTION WITH THE JCA ARBORICULTURAL REPORT (JCA REF: 17192/DK)



REPORT OF THE HEAD OF PLANNING AND REGENERATION

APPEALS AND REVIEW COMMITTEE, 19 July 2021

BOROUGH OF CHARNWOOD (516 Bradgate Road Newtown Linford) TREE PRESERVATION ORDER 2021 - PROVISIONAL

1.0 Introduction

1.1 Background

An application P/20/2417/2 for an extension with a double garage was received. The full works description is “two storey side extension & single storey rear conservatory to the existing house, to provide additional residential accommodation; relocate the existing double garage to the front of the house”. However the development proposal includes for the removal of a mature weeping willow, which is a prominent specimen along Bradgate Road the tree is situated in the front garden and has a history of crown work. The submitted tree survey categorised the tree as retention Category C. The evaluation seems to underplay the significance of the tree and its amenity merit and projected potential remaining life span. The rationale for removing the tree is described as necessary “to accommodate the proposed garage”. The fact the tree had a history of pollard pruning was also cited to support the removal of the tree on safety grounds. However this assertion is at odds with the retention Category C assigned to the tree in the survey schedule. If a tree needed to be removed on such grounds then it would be classed as ‘U’. Trees which are hazardous and present risk would attract a Cat U for removal. A new double garage could easily be provided without the loss of the tree. There is also ample scope on site to position the garage further away from the tree. The property lies outside of the Conservation Area and therefore the tree had no level of protection until the TPO was created.

The tree is worthy of retention and preservation so that it can be placed under proper care and attention. Ideally it should be under pollard management.

1.2 The Site

The site is the domestic front garden of the dwelling within the Settlement of Newtown Linford close to Bradgate Park and within the Charnwood Forest designation. The proposed garage is a new addition to the frontage which could be set further away from the tree to mitigate conflict. Good design would seek to avoid deliberate conflict.

1.3 Condition of the trees

The tree are in good condition and this is confirmed in the schedule of the submitted tree report which evaluates its physiological condition as good and its structural condition as good. I evaluated it for amenity merit due to its prominent highly visible position and typical graceful form. The evaluation as Cat C does not take the structural and physiological condition nor its high amenity values into account. The presence of pruning wounds does not mean the tree would not merit protection but rather that it needs careful regular management.

2.0 The Objections to the Order

The objections to the Order were received by email.

Objection -

The objection asserts that:

1. the tree would be a “*potential future nuisance the tree has and is likely to cause*” and has shed branches.
2. the crown “*looked relatively sparse, thin and had numerous pruning cuts evident within and around the lower crown area,*
3. that it is ‘*growing away from a source of water.*’
4. that the owner will plant other trees to mitigate loss.

No other written representations have been made in relation to the Order.

3.0 Response to the Objections

1. The tree does not exhibit any structural loss of integrity and there are no significant incidences of decay present. The tree is not dangerous or in decline. No evidence of loss of integrity or significant decay was presented. Small branches and twig do regularly fall from trees – this is natural. Storm conditions which apply dynamic lateral force to tree can create sheer stress causing failure of even healthy branches from a tree. Trees as they grow also can shed branches through a process of branch death which is natural and dead branches are prone to drop. Trees can be managed by regular inspection to remove any weak structure in the crown. Ideally mature willow should be pollard managed.
2. The claim regarding the crown was made in May. The crown is now well clothed. (see photographs) The fact the tree has been pruned is merely proof of past management.
3. While willow do very well close to and in semi-aquatic conditions it is clear that this tree is in reasonable good health and is obviously accesses sufficient water.

It should be noted that there were comments/ representations from locals calling for the tree to be protected.

It should be noted that the Weeping Willow symbolises everlasting life and overcoming the impossible due to its robust nature and ability to thrive in adverse conditions. While it can do well in standing water, aquatic conditions are not an obligate requirement of the species.

4.0 Conclusion

Removing the Order by failing to confirm it at this appeal and review committee would mean the tree would be subject to felling with the loss of their amenity to the area.

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

Contact Officer:

Nola O'Donnell MAgrSc Dip (hons) LA CMLI

Senior Landscape Officer

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trees@charnwood.gov.uk

APPENDICES

APPENDIX A - PHOTOGRAPHS

In July 2021 in leaf





APPENDIX B COPY OF COMMENTS REQUESTING TPO or referencing importance of tree

From: clerk@newtownlinford.org.uk [mailto:clerk@newtownlinford.org.uk]

Sent: 12 March 2021 11:29

To: development.control@charnwood.gov.uk

Subject: P/20/2417/2 - 516 Bradgate Road, Newtown Linford

Good morning,

I have spoken to Case Officer, Jack Wilkins this morning, regarding a late comment received from Volunteer Tree Warden, Brian Anderson, in relation to planning application P/20/2417/2 - 516 Bradgate Road, Newtown Linford.

I was advised to submit comments via Planning Explorer on his behalf, however, as the comments deadline has passed, the ability to submit them has been removed.

Therefore, the following comment has been received from Tree Warden, Brian Anderson on 12/03/21 as follows:

"Hi Hannah

I have just been looking at above plan they want to remove a large Weeping Willow tree to make room for a new garage. I am against this as this tree is a feature at the roadside and as you come out of Bradgate Park. It would be better to move garage back 3m. Or put a TPO on it.

Regards Brian"

Many thanks,

Best wishes,

Hannah Shaw

Parish Council Clerk

Newtown Linford Parish Council

P/20/2417/2

Anthony & Charlotte Miller
520 Bradgate Road Newtown Linford

We have no objection to alterations they're making to house itself, however do object to relocation of double garage currently adjoined to side of their house.

Garage proposed to be located so far down drive in order not to obstruct their view over Bradgate Park & yet block out view of overflow paddock carpark. This is due to their plan to remove Iconic Willow tree & replace with garage.

Proposed location of double garage will directly back up to our side garden (we have no rear garden), which will inhibit morning sunshine/light & natural view. Land height for proposed garage is naturally higher than our land, therefore adding extra height to garage on our side than actual measurements.

It's uncommon in Newtown Linford to have garage at foot of property, unlike Swithland where Brennan's previously resided. It would not be in-keeping with Village 'look'.

Refer to planning, design and access statement point 4.19;

'It would not provide detrimental to the amenities of occupiers of nearby properties by reason of overshadowing, dominance or substantial loss of privacy or light'

This is a contradiction in terms from our perspective, as garage would be overshadowing our only private garden & would be substantially affecting/blocking our sunlight regardless of eaves or roof side facing our land.

Refer to planning, design and access statement point 4.19

'it would not involve the removal of areas of existing landscape important to the character of the location'

Their proposal to remove Willow tree would be contradicting this statement. Garage would be impacting the 'character of the location' as removal of Willow would mean garage would be seen from roadside, impacting kerb appeal inc. overshadowing our property.

Willow tree currently has no TPO but sits on boundary of conservation area. This is the most iconic roadside tree in Newtown Linford, adding to natural look & heritage of village, inc. providing screening for kerb appeal, noise & buildings.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:	17 March 2021	Surveyor:	Nola O'Donnell
Tree details			
TPO Ref (if applicable):	n/a	Tree/Group No:	Species: <i>Salix s. chrysocoma</i>
Owner (if known):	Mr Brennan	Location:	516 Bradgate Road Newtown Linford

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPC

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes
3 – fair – physiologically good; structurally good though scored down for history of pruning, typical graceful form

b) Retention span (in years) & suitability for TPC

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes
2 – suitable proper management as a pollard will aid in long term retention

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
5 - large specimen adj to public highway - prominent / highly visible; notable on approach

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (i.e. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
A to C score = 10
5 – tree is one of a number of trees along highway frontages which provide important contribution to the urban feel of the road

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree i.e. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
A to D score = 15
5 – planning application stating intention to remove the tree to accommodate a garage

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPC

Add Scores for Total:
20

Decision:
Merits TPO