



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

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To: Councillors C. Forrest (Chair), Bradshaw (Vice-Chair), Dent, Fox and Woodward (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, at the Council Offices, Southfields, Loughborough on Monday, 21st August 2023 at 5.00 pm for the following business.

Chief Executive

Southfields
Loughborough

9th August 2023

AGENDA

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 4

To receive and note the minutes of the previous meeting.

3. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

For information, disclosable pecuniary interests and registrable interests relate to

entries that are included, or should be included, on a councillor's register of interests. Non-registrable interests relate to any other matters.

4. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

5. BOROUGH OF CHARNWOOD (JUBILEE WALK GI CORRIDOR - TICKOW LANE TO ROCKINGHAM CLOSE, SHEPSHED) TREE PRESERVATION ORDER 2023

5 - 15

A report of the Head of Governance and Human Resources.

PROCEDURE

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

(a) *The Head of Governance & HR 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 Growth and the objector(s)).*

(b) *The Head of Planning and Growth 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 Growth 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 Governance & HR 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 24TH JULY 2023

PRESENT: The Chair (Councillor C. Forrest)
The Vice Chair (Councillor Bradshaw)
Councillors Fox, Jackson and Woodward

J. Price-Jones (Legal Advisor)

Team Leader Natural & Built Environment
Democratic Services Officer (LS)

APOLOGIES: Councillor Dent

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. She 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.

5. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the Committee held on 12th June 2023 were received and noted.

6. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

No disclosures were made.

7. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

8. BOROUGH OF CHARNWOOD (88 MAIN STREET, NEWTOWN LINFORD) TREE PRESERVATION ORDER 2023

Considered a report of the Head of Governance and Human Resources 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 Growth on the issues raised by the objection (item 5 on the agenda filed with these minutes).

The Chair stated the following:

Agenda page 11, paragraph 1.1 includes the following statement: Consultations with the Chair of Plans Committee and Ward Councillors have been carried out in accordance with the scheme of delegation, and no objections to serving the TPO were received. In respect of this statement, Councillor Snartt has asked that the Committee be made aware of the following: Forest Bradgate ward is a single councillor ward. In

my reply to this consultation, I stated that I had a personal interest with this matter, therefore, I was unable to comment on the proposal.

The Head of Planning and Growth's representative attended the meeting to put forward his case and answer the Committee's questions. The objector did not attend the meeting but had sent a statement in lieu, this was submitted at the meeting and read by all those present at the appropriate stage in the procedure referred to below (copy filed with these minutes).

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 (88 Main Street, Newtown Linford) Tree Preservation Order 2023 be confirmed, with modification to remove Group G1 – Fir and Group G2 – Leylandii 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 in G1 and G2 outweigh the contribution they make to the amenity of the area and that trees in G1 and G2 should not therefore be protected.

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 21ST AUGUST 2023

Report of the Head of Governance and Human Resources

BOROUGH OF CHARNWOOD (JUBILEE WALK GI CORRIDOR – TICKOW LANE TO ROCKINGHAM CLOSE, SHEPSHED) TREE PRESERVATION ORDER 2023

The above order relates to woodlands W1 (all trees of whatever species) and W2 (all trees of whatever species) situated on Jubilee Walk from Tickow Lane to Tamworth Close and on Jubilee Walk from Tamworth Close to Rockingham Close in Shepshed respectively.

The Council's Head of Planning and Growth considers that the trees make a significant contribution to the visual amenity, character and appearance of Shepshed.

A request was received from Shepshed Town Council and a Ward Councillor to place the wooded corridor concerned under formal protection. Concern had been raised following on-going incidents where householders backing northern embankment had undertaken works felling and disfiguring to mature specimens and cleared some of the understory. The Head of Planning and Growth considered it prudent to take a precautionary approach to ensure that the trees, which range from high canopy to understory species, were protected so that they could be under proper care and attention. He considers the trees to be worthy of retention, being the principal elements of this important GI corridor and that it is appropriate to ensure that the trees are properly protected and retained in a satisfactory manner through the making of this Tree Preservation Order.

Therefore, an Order was made on 24th March 2023 to provisionally protect the trees.

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

An objection to the Order was received from the occupier of 16 Rockingham Close.

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

The Head of Planning and Growth'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 Growth 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 (Jubilee Walk GI Corridor – Tickow Lane to Rockingham Close, Shepshed) Tree Preservation Order 2023

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 (Jubilee Walk GI Corridor – Tickow Lane to Rockingham Close, Shepshed) Tree Preservation Order 2023.

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 24th day of March 2023

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



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

2022/23 -134

.....

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
	None	

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

Reference on map	Description	Situation
	None	

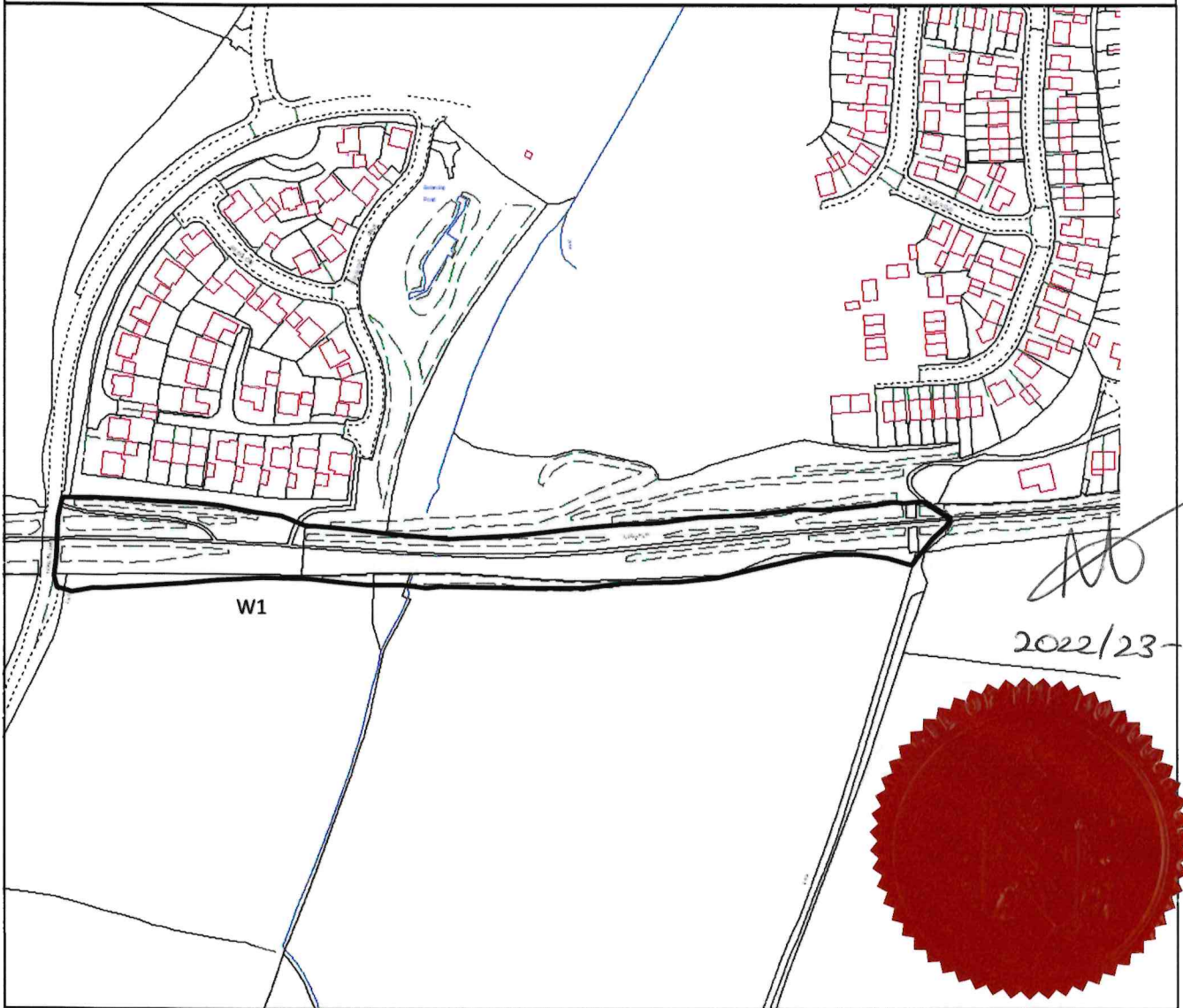
Groups of trees (within a broken line on the map)

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
W1	All trees of whatever species	Jubilee Walk from Tickow Lane to Tamworth Close
W2	All trees of whatever species	Jubilee Walk from Tamworth Close to Rockingham Close

I certify this map shows the woodland referred to in the first schedule of the Borough of Charnwood (Jubilee Walk GI Corridor –Tickow Lane to Rockingham Close, Shepshed) Tree Preservation Order 2023

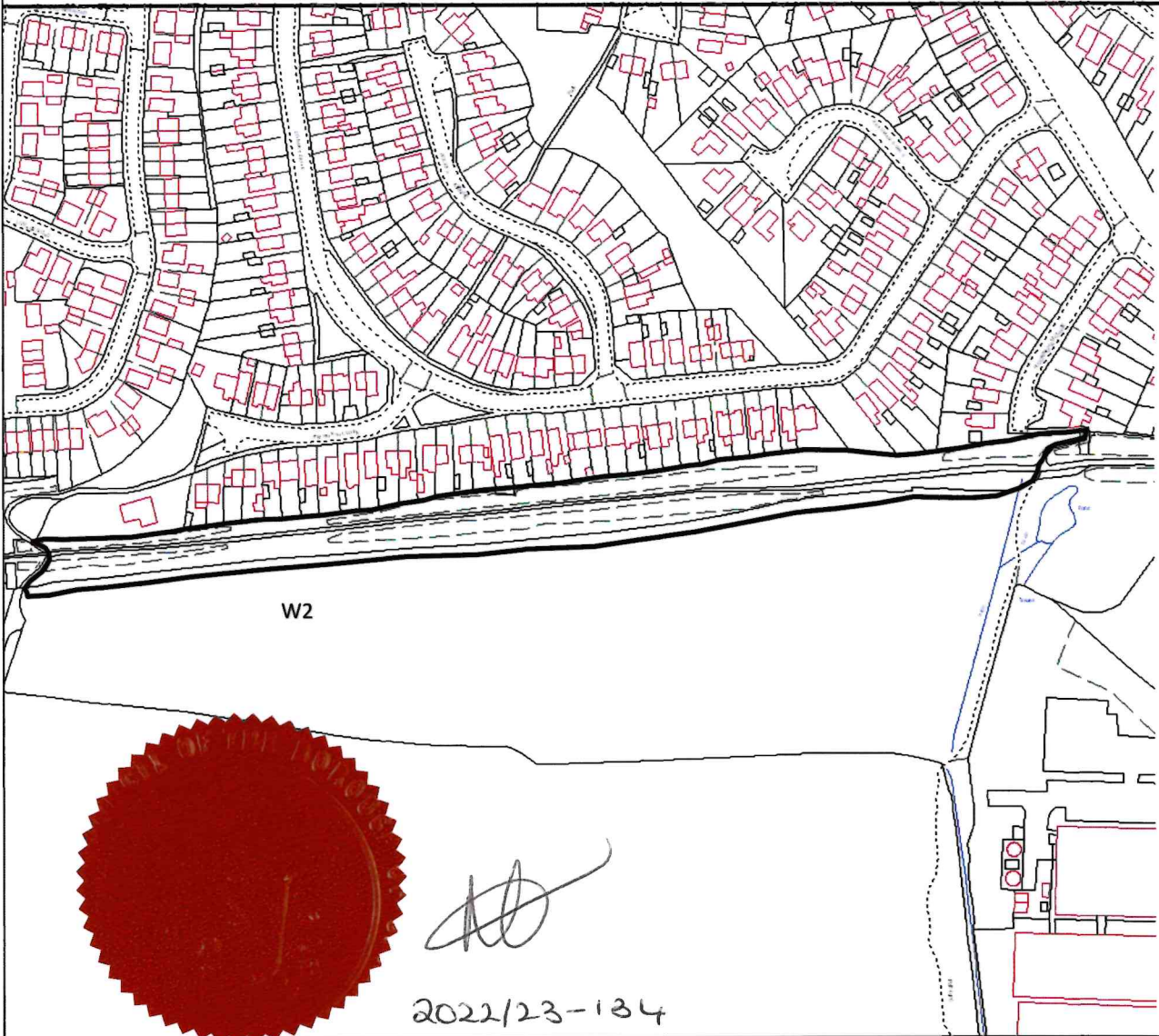


Borough of Charnwood
(Jubilee Walk GI Corridor– Tickow Lane
to Rockingham Close, Shepshed)
Tree Preservation Order 2023
Map sheet 1 of 2

R Bennett Dip. TP. MRTPI
Head of Planning & Growth
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 22 Feb 2023
Scale: 1:2500
Prep: NO'D

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I certify this map shows the woodland referred to in the first schedule of the
Borough of Charnwood (Jubilee Walk GI Corridor –Tickow Lane to Rockingham
Close, Shepshed) Tree Preservation Order 2023



Borough of Charnwood
(Jubilee Walk GI Corridor– Tickow Lane
to Rockingham Close, Shepshed)
Tree Preservation Order 2023
Map sheet 2 of 2

R Bennett Dip. TP. MRTPI
Head of Planning & Growth
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 22 Feb 2023
Scale: 1:2500
Prep: NO'D

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-----Original Message-----

From: rowena Greasley
Sent: 27 March 2023 16:24S
To: Laura Strong
Subject: Tree Protection Order - Jubilee Walk Shepshed

Hi Laura,

I hope this email finds you well,

I just wanted to reach out about the tree protection order notice that we have received through the post this morning. We have lived at 16 Rockingham close, Shepshed for 6 years. During this time we have had to contact the Green Spaces department and Tree Officer twice about self seeded trees from Jubilee walk falling over into our garden and onto the property.

We have also had to trim back massively overhanging branches from trees lining the public footpath next to our house. These branches are blocking out the majority of sunlight to our property, causing mould problems in our house and vehicles, and also causing me huge anxiety over whether a good gust of wind will drop one of the trees directly onto our house. I have raised the issue of non-maintenance of these trees with Green Spaces Dept and the Tree Officer more than once as these trees are also self seeded and leaning towards the property. Each time I have raised this as a potential problem I am told the trees are on a list of works to be completed...this has been the case for approx 4 years now.

I have no objection to the tree protection order per se as I have seen that some mature trees have been cut down, however I do object to the tree protection order being placed with no necessary arboreal works being carried out in tangent.

Please could you confirm whether we will have to apply for a permit to do the councils work for them, in tidying up these dangerous overhanging branches, or will this work finally be carried out by the council?

Thank you,

Rowena Dimblebee

From: Laura Strong
Sent: Monday, July 17, 2023 1:27 PM
To: rowena Greasley
Cc: Laura Strong
Subject: Tree Preservation Order 2023 – Jubilee Walk GI Corridor – Tickow Lane to Rockingham Close, Shepshed

Dear Rowena

Tree Preservation Order 2023 – Jubilee Walk GI Corridor – Tickow Lane to Rockingham Close, Shepshed

I refer to your attached email dated 27 March which includes my response of 31 March, also the attached further response sent to you on 03 April by this Council's Senior Landscape Officer.

Having received the further response, please would you advise whether or not you wish your email of 27 March to be considered as an objection to the Order? If you do, I will arrange for it to be considered by this Council's Appeals and Reviews Committee.

Thank you.

From: rowena Greasley

Sent: Wednesday, July 26, 2023 9:34 AM

To: Laura Strong

Subject: Re: Tree Preservation Order 2023 – Jubilee Walk GI Corridor – Tickow Lane to Rockingham Close, Shepshed

Hi Laura,

Apologies for the delay in getting back to you,

Yes please do leave my email as an objection to the order,

Thank you,

Rowena

REPORT OF THE HEAD OF PLANNING AND GROWTH

APPEALS AND REVIEW COMMITTEE 21st August 2023

BOROUGH OF CHARNWOOD (Jubilee Walk GI corridor – Tickow Lane to Rockingham Road, Shepshed) TREE PRESERVATION ORDER 2023 - PROVISIONAL

1.0 Introduction

1.1 Background

The above order relates to woodlands W1 (all trees of whatever species) and W2 (all trees of whatever species) situated on Jubilee Walk from Tickow Lane to Tamworth Close and on Jubilee Walk from Tamworth Close to Rockingham Close in Shepshed respectively. The report of the Head of Governance and Human Resources identifies the reasons for serving the TPO.

Consultations with the Chair of Plans Committee and Ward Councillors have been carried out in accordance with the scheme of delegation, and no objections to serving the TPO were received.

To ensure the trees which make a significant contribution to the visual amenity of the area are properly protected, and retained in a satisfactory manner, a provisional Tree Preservation Order has been served

This will allow any proposed works to the tree to be carefully considered and refused if necessary.

1.2 The Site

The site forms part of a wooded footpath/cycle link from Charnwood Road to the new housing developments on the western edge of Shepshed and further planned development to the west of Tickow Lane.

1.3 Condition of the tree

The condition of individual trees has not been assessed but the woodland consists of a significant number of mature specimens and a dense understory, which appears healthy and verdant. It forms a substantial section of the green infrastructure of Shepshed and is widely used by local resident and as such is of high amenity value.

2.0 The Objections to the Order

An objection was received from the owners of No.16 Rockingham Close. The following points were raised:

1. Concern regarding self seeded trees from Jubilee walk falling over into our garden and onto the property.

2. We have also had to trim back massively overhanging branches from trees lining the public footpath next to our house. These branches are blocking out the majority of sunlight to our property, causing mould problems in our house and vehicles, and also causing me huge anxiety over whether a good gust of wind will drop one of the trees directly onto our house. I have raised the issue of non-maintenance of these trees with Green Spaces Dept and the Tree Officer more than once as these trees are also self seeded and leaning towards the property. Each time I have raised this as a potential problem I am told the trees are on a list of works to be completed...this has been the case for approx 4 years now.

3. I do object to the tree protection order being placed with no necessary arboreal works being carried out in tangent.

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

3.0 Response to the Objections

1. Self seeded trees that fall and grow within the garden of No. 16 Rockingham Close are not covered by the Order and can be removed without permission from the Council.
2. While permission to trim back overhanging branches will require permission from the Council, the Order will not prevent appropriate maintenance works being carried or the removal of trees where there is a proven significant adverse impact on adjacent properties.
3. Necessary arboricultural works are the responsibility of the land owner or tenant and the undertaking of tree works could not therefore be conditional in confirming the Order.

4.0 Conclusion

Removing the Order by failing to confirm it at this appeal and review committee would mean the trees would not be protected from damaging tree works or felling.

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

Contact Officer:

Mark Fennell

Team Leader Natural & Built Environment

Tel: 01509 634748

trees@charnwood.gov.uk