



APPEALS AND REVIEWS COMMITTEE

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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, 23rd October 2023 at 5.00 pm for the following business.

Chief Executive

Southfields
Loughborough

11th October 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 (SIX HILLS ROAD WALTON ON THE WOLDS) TREE PRESERVATION ORDER 2023 5 - 23

A report of the Head of Governance and Human Resources.

6. BOROUGH OF CHARNWOOD (BRADGATE ROAD, NEWTOWN LINFORD) TREE PRESERVATION ORDER 2023 24 - 50

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 and Human Resources 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 and Human Resources 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 21ST AUGUST 2023

PRESENT: The Chair (Councillor C. Forrest)
Councillors Ashcroft, Dent, Fox and Woodward

Principal Solicitor - Planning, Property and
Contracts
Team Leader Natural & Built Environment
Democratic Services Officer (LS)

APOLOGIES: Councillor Bradshaw

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.

9. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the Committee held on 24th July 2023 were received and noted.

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

No disclosures were made.

11. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

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

Councillor Fox arrived at the meeting at 5.09pm. Time was taken to ensure that she was aware of information already presented to the Committee.

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 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.

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

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 they made to the amenity of the area and that the trees should 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 23RD OCTOBER 2023

Report of the Head of Governance and Human Resources

BOROUGH OF CHARNWOOD (SIX HILLS ROAD WALTON ON THE WOLDS) TREE PRESERVATION ORDER 2023

The above order relates to a group of trees G1 (10 Ash, 4 Horse Chestnut) situated at Six Hills Road, Walton on the Wolds.

The Council's Head of Planning and Growth considers that the trees make a significant contribution to the visual amenity and biodiversity of the area, stating that the group of trees comprise 10 early mature Ash and 4 early mature Horse Chestnut at the entrance to the village of Walton on the Wolds, on the south side of Six Hills Road. The trees form the frontage of number 16 Six Hills Road, fall within the Walton on the Wolds Conservation area and have been recently subject to a felling application to the Forestry Commission. Therefore, he considered it 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 7th July 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 owner of the site, Walton Free Range Farms Ltd (Mr Simon Richardson).

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 (Six Hills Road Walton on the Wolds) 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 (Six Hills Road Walton on the Wolds) 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 7th day of July 2023

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



.....



2023 - 24 - 48

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)

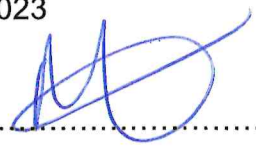
Reference on map	Description (including number of trees in the group)	Situation
G1	10 Ash (<i>Fraxinus excelsior</i>) 4 Horse Chestnut (<i>Aesculus hippocastanum</i>)	SK 59451 19784 16 Six Hills Road, Walton on the Wolds

Woodlands
(within a continuous black line on the map)

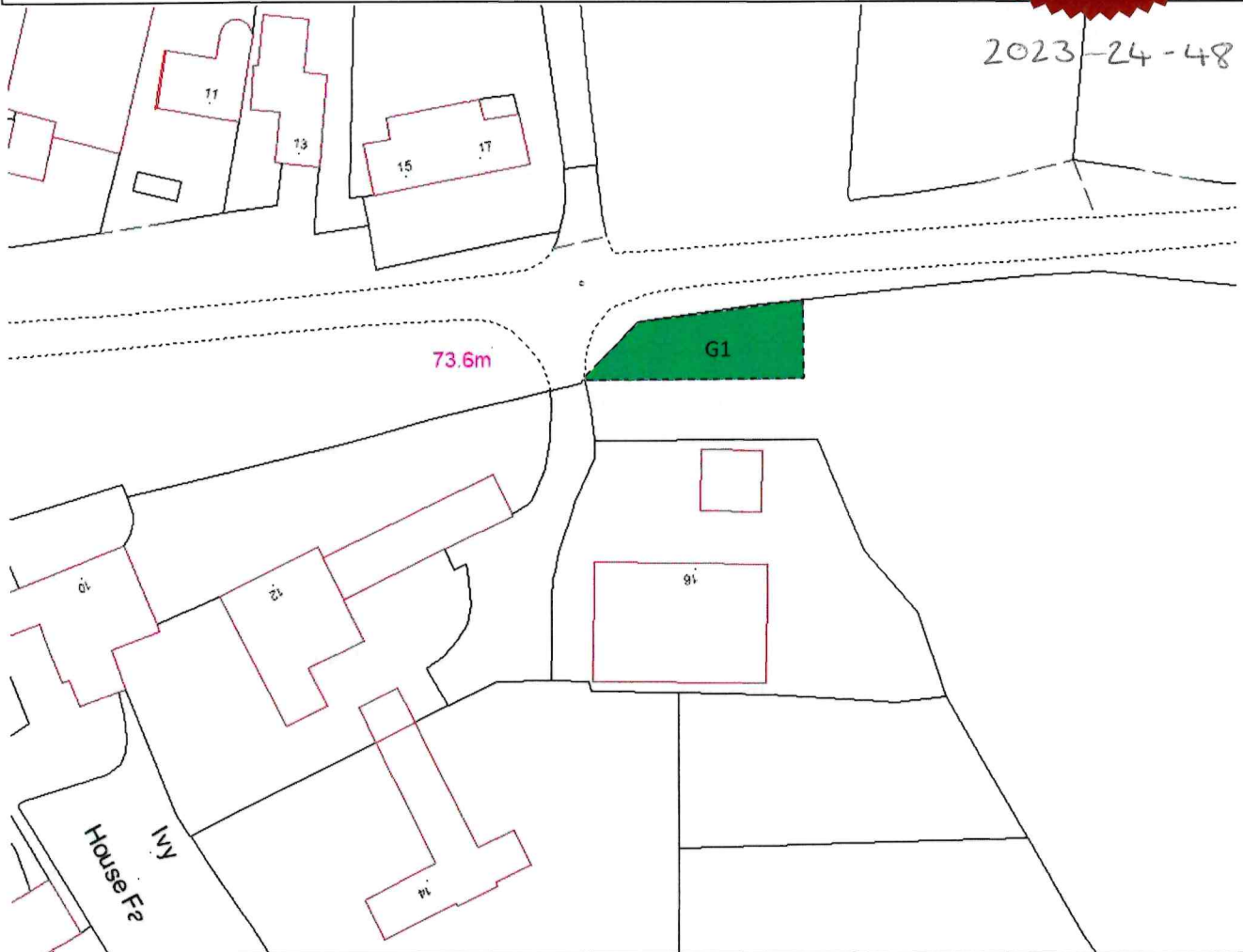
Reference on map	Description	Situation
	None	

I certify this map shows the entire area referred to in the first schedule of the Borough of Charnwood (Six Hills Road Walton on the Wolds) Tree Preservation Order 2023

Authorised signatory



2023-24-48



Borough of Charnwood (Six Hills Road Walton on the Wolds) Tree Preservation Order 2023

R Bennett Dip. TP. MRTPI
Head of Planning & Regeneration
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 23/6/23
Scale: 1:500
Prep: RMS

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Walton Free Range Farm Limited
Parkside House
Swan Street
Sileby
Loughborough
Leicestershire
LE12 7NW
Company Reg No 10510197
VAT No. 267577062

31st July 2023

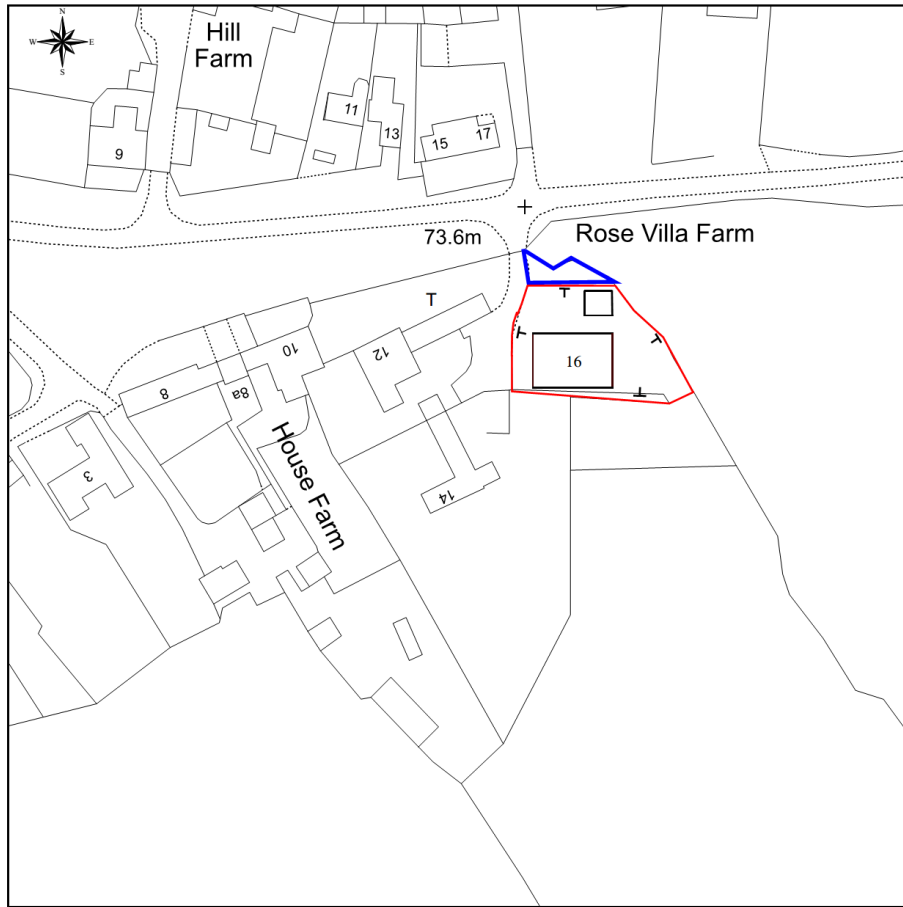
Objection to Provisional Tree Preservation Order

Walton Free Range Farms Limited is objecting to the provisional Tree preservation order dated 7th July 2023 by Charnwood Borough Council

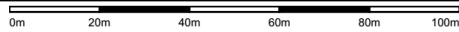
1: The group of trees specified DO NOT fall within the conservation area of Walton Parish Council. Information obtained from Charnwood Borough Councils Interactive Map was obtained and checked prior to submitting a tree felling application and quite clearly shows the defined area as conservation hatched green. The trees in question do not fall within this area.



2. The ownership of the trees and land belongs to Walton Free Range Farms Limited and is no way shown on the deeds of No.16 Six Hills Road as frontage



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Scale: 1:1250, paper size: A4



Prepared by Simon Richardson, 14.03.2024

3. There 3 Ash Trees that have suffered Ash Die back and 2 more which to appear to have contracted the disease



4. Restocking of the area was specified within the tree felling application

Replant felled area

100% of area

1100 stems per ha (av. 3 x 3m spacing)

Field maple, 30%; hazel, 30%; crab apple and hawthorn (15% each); mixed broadleaves, 10% eg sallow, grey willow

5. The application to the Forestry Commission was deemed valid and placed on the public registry on Tuesday 9 May 2023 with Charnwood and other parties being notified on the same day. The 28 day consultation period ended on Tuesday the 6th of June 2022 and no official determination to enforce a provisional tree preservation order on this area was indicated .

Regards

Simon Richardson

Director

REPORT OF

THE HEAD OF PLANNING AND REGENERATION

APPEALS AND REVIEW COMMITTEE 23th October 2023

Provisional Tree Preservation Order – Six Hills Road Walton on the Wolds

1.0 Introduction

1.1 Background

The Council was contacted on May 9th 2023 by the Forestry Commission (FC) as part of a consultation about a request for a felling licence for a tree group forming the frontage to 16 Six Hills Road. The consultation documents are appended to this report and show an area (Area 1) which lies partly within the Walton in the Wolds Conservation Area. This is the reason why the FC consulted the Council on the application, however the applicant for the felling licence had not identified this as a factor in his application.

The application for a felling licence clearly demonstrates that the trees are at risk of removal and provides the reason of expedience for making the order.

The applicant for the felling licence is also the appellant in this case. The FC officer had also formed the impression that the works subject to the felling licence application were required in order to discharge conditions associated with the development of 16 Six Hills Rd. Although this is not correct, the owner of 16 Six Hills Road is also the appellant in this case. The site has recently been subject to a planning enforcement investigation associated with a retrospective planning consent P/23/0458/2.

1.2 The Site

The tree group G1 lies on the southern side of Six Hills Road and along the northern boundary of 16 Six Hills Road. It comprises 10 ash trees and 4 horsechestnuts at an early mature life stage. The group that is subject to the order has been drawn specifically to exclude an ash tree along its eastern edge which was dead at the time of survey. The group is continuous with hedgerows along Six Hills Road and helps to define its rural character upon entering the village of Walton in the Wolds. It also performs an important role in screening development at 16 Six Hills Road. In addition to the screening provided by these trees the previous consent for the site required additional native planting immediately to the south of group G1. This also reflects the landscaping proposals under consideration as part of the current planning application (P/23/0458/2). The landscaping plan is appended to this report.

1.3 Condition of the trees

One ash tree which forms part of the group but has been excluded from the order is dead. The FC officer report (Appendix 1) notes that “some of the sub-dom ash are weak or in decline” but records no signs of disease. Overall the stand is in at least fair condition. At the time of survey they had healthy looking crowns and no obvious structural weaknesses. The trees are at an early mature stage and can reasonably be expected to make a significant contribution to the visual amenity of Six Hills Road for many years.

2.0 The Objection to the Order

One objection has been received to the order and it makes 5 main points, as follows:

1. That the tree group G1 does not fall within the Walton conservation Area
2. That the land in the area shown by group G1 is owned by Walton Free Range Eggs and not 16 Six Hills Road
3. That the trees have suffered ash dieback
4. That restocking was specified in the felling licence application
5. That the order was made after the 28-day felling licence consultation period had already expired

3.0 Responses to the Objections

Considering each element of the objection in turn:

1. Figure 1 shows the boundary of Walton Conservation Area in relation to tree group G1 and clearly shows that the group is partly within the conservation area. It is also the view of the FC officer that the trees are within the Conservation area and it was this that prompted the consultation from the FC. However, even if the trees were not in the Conservation Area this would not be a reason to revoke the order since trees outside conservation areas can still be demonstrated to have amenity value and in this case, because the trees are at the edge of the conservation area, they are still capable of contributing to it, regardless of whether they lie within it or outside it. As a rule, trees within a conservation area are less likely to be made subject to TPOs because the requirement to apply for consent for tree works in a conservation area affords a similar level of protection to that provided by a TPO.

2. It is apparent from the objection and consultation with the CBC enforcement team that both 16 Six Hills Road and Walton Free Range Eggs are owned by the same person. Besides this, the risk to the trees is clearly demonstrated by an intention to fell them. The order applies to the trees and not the owner *per se*.

3. One dead tree (pictured in the objection letter) was recorded on-site immediately prior to the order having been made. This has not been included in the order, and in any-case the existence of a TPO would not prevent the removal of dead or dangerous trees in the future. Whilst the FC officer recorded weakness in sub-dominant trees this is to be expected in a densely planted stand of trees such as this one. The FC officer did not identify ash die-back, nor any other disease as a factor affecting the longevity of the group.

4. Correspondence from the FC is clear that restocking did not form part of the original licence application but was negotiated by the FC with the applicant after the application had been made. The confirmation of this order would not prevent appropriate works or replacement of the group over time. However, and inappropriate management in the long term or gradual removal of the group. Moreover, the existing trees are already mature, whilst replacements would take many years to establish.

5. Whilst the order may have been issued after the 28-day felling licence consultation period had expired there is no requirement within the Town and Country Planning Act for TPOs to be made at any particular time in relation felling licence consultation periods. The Council's objection to the granting of the felling licence was made well within the 28-day period and the objection has not been withdrawn. Moreover Section 15 (3a) of the Forestry Act 1967 makes provision for felling licence applications to be "dealt with under the Town and County Planning Acts"

Proposed order

It is recommended that the provisional order is confirmed as submitted

APPENDICES

Appendix 1

Figures and Photographs

Appendix 2

Forestry Commission Consultation Documents

Appendix 3

Landscaping Plan for P/23/0458/2

Figures and Photographs



Figure 1) Walton Conservation area boundary in relation to tree group G1



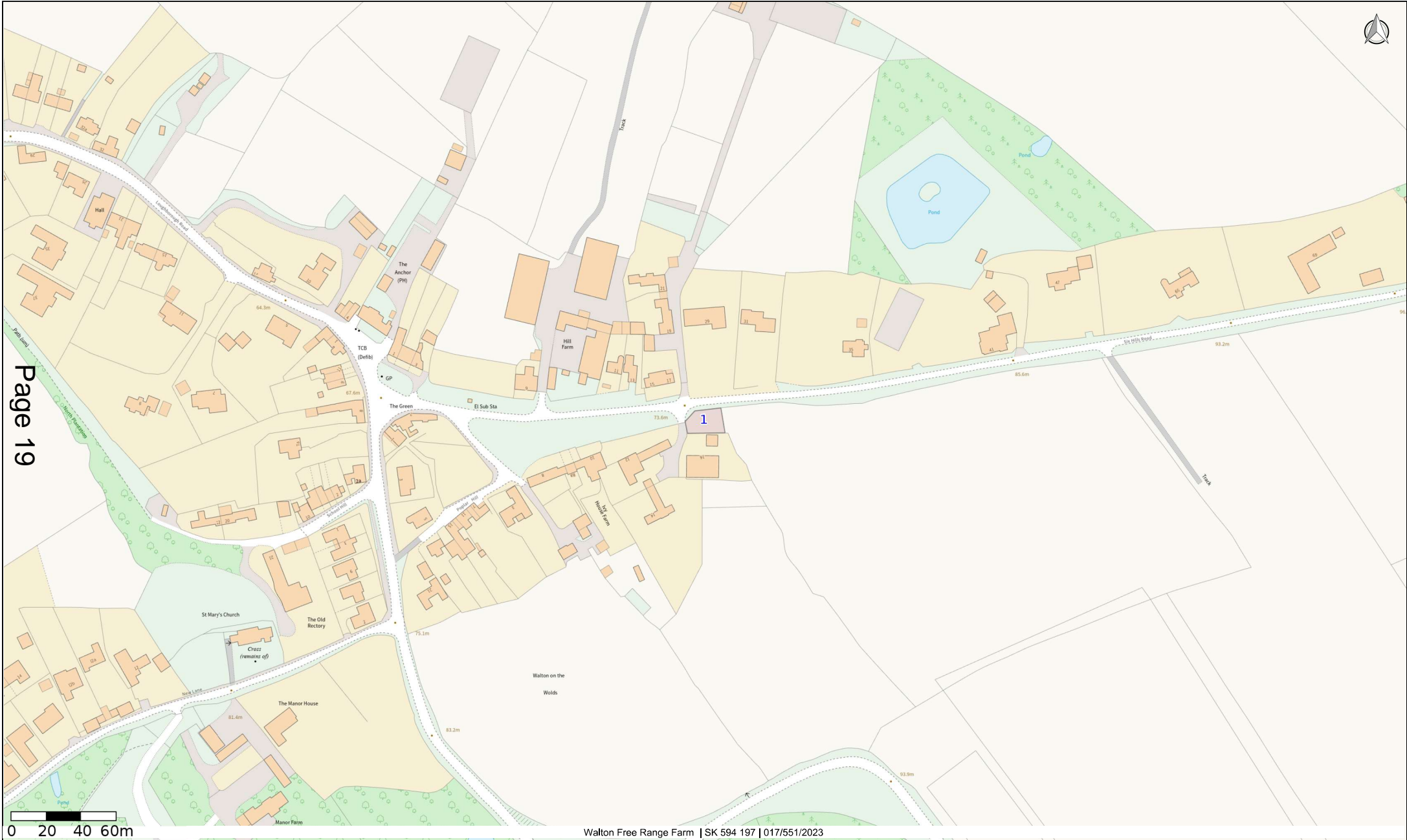


Figures 2 and 3) Aerial views of 16 Six Hills Road and surrounding land



Figures 4 and 5) street view images of Six Hills Lane

Operations Map



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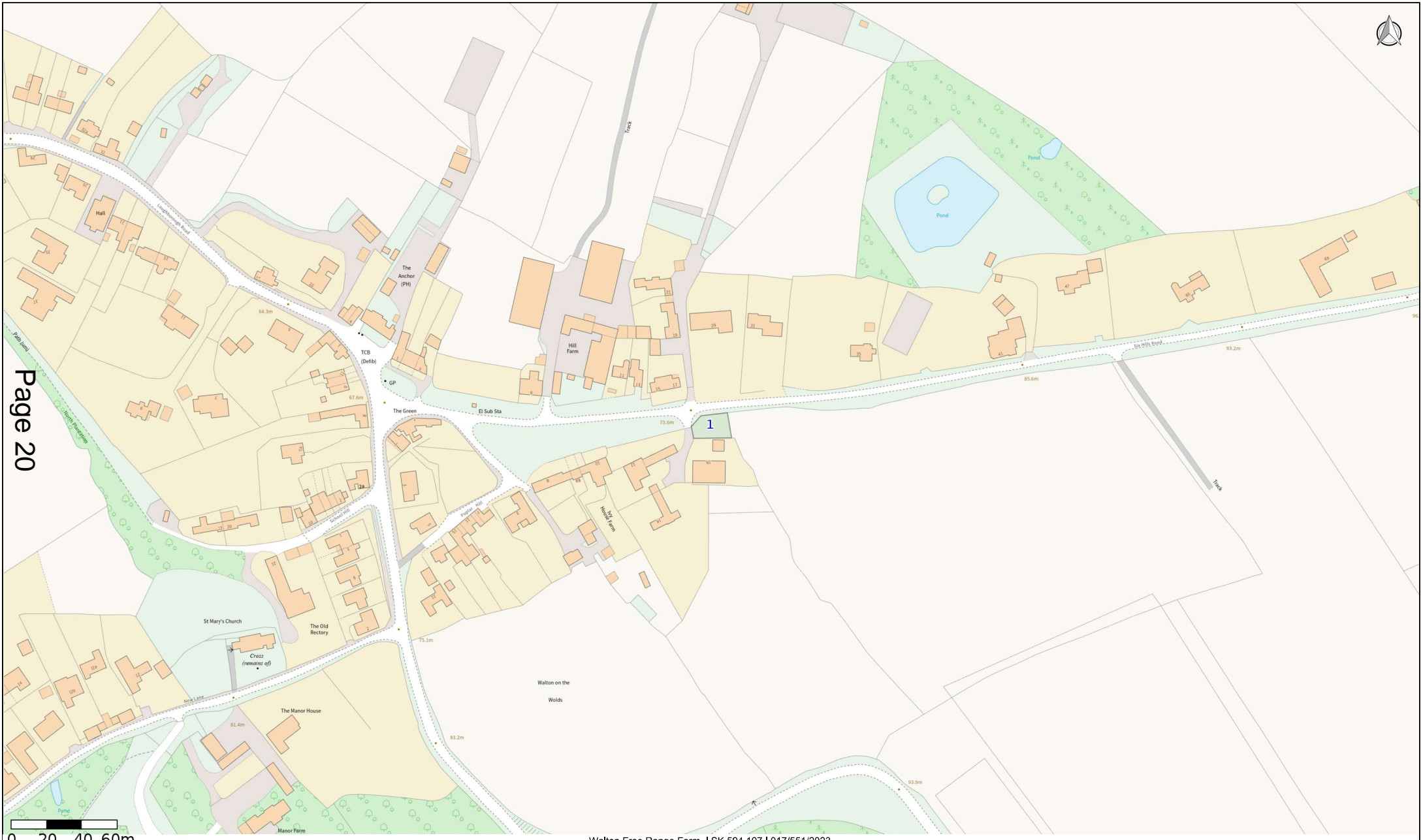
0 20 40 60m

Walton Free Range Farm | SK 594 197 | 017/551/2023

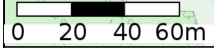
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Restocking Map



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Walton Free Range Farm | SK 594 197 | 017/551/2023

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Site Visit: this is a small group of trees that stand roadside. They are visible from the west almost as far back as The Green but less so to the east. 17 trees counted, 13 ash, the balance h/chestnut - not noted in the FLA. Sample measured 5 ash(0.421m³ av vol in single tree), 2 h/chestnut(1.05m³ av vol in single tree). A shallow open drain borders the NE boundary, a poor remnant hedge on the north boundary (elm, haw), surfaced drive on the west and semi-made up stone track on the southern boundary with new black metal fence part of which had been planted with evergreen species to form a hedge. Beyond the black fence was a newly converted single garage and converted barn into a property. Retro planning being sought apparently. Some of the sub-dom ash are weak or in decline and the applicant is concerned about AD and failure onto the new property. Despite the application stating no restocking, following a conversation they will restock with amenity spp guided by FC.

According to Charnwood BCs online map, there has been two retrospective planning apps submitted on an area of two buildings to the south of these trees which have been developed into a dwelling and detached garage (P22/0509/2 and 1st app, P21/0648/2). Removal of these trees may therefore be associated to 'finishing' off / landscaping this dwelling - TBC.

The SW corner of the proposal area is just within the Walton on the Wolds Conservation Area
*Notify Charnwood BC eg Rupert Simms (County Eco) and Leics CC eg James Peach

There is one Leics HER within the site, MLE 1083, historic settlement core of Walton on the Wolds eg the historic core of the medieval and pre-medieval village. Nearby to the SE/E is another record, MLE 6029, medieval village earthworks south of Ivy Farm & are visible on vertical aerial photos. *Notify Leics Archaeological dept



Tree and Shrub Planting General
 Prior to planting topsoil shall be moist, friable and not waterlogged. Carry out planting during suitable weather conditions, do not plant during frozen or windy conditions. Where beds are overgrown with weeds apply herbicide in accordance with manufacturers recommendation. Allow fallow period before cultivation. Container grown plants can be planted at any time of year if ground and weather conditions are favourable. Bare root trees and shrubs can be planted from late October to March. All plants shall be as specified, undamaged, sturdy, healthy and vigorous. They shall be free from pests, diseases, discoloration and physiological disorders. Name, form, dimensions, provenance and other criteria shall be as defined in The National Plant Specification.

All plant handling shall be in accordance with HTA 'Handling and Establishing Landscape Plants'. All plants shall be stored in a secure environment and protected from site operations and over exposure to adverse weather conditions. Where topsoil is compacted it shall be broken up to a depth of no less than 350mm into particles of 2-8mm, with the surface left regular and even. Levels shall be 25mm above kerbs and hardstandings and 50mm above adjacent grass areas. Remove all visible weeds, roots and large stones exceeding 300mm. Do not cultivate soil within rootspread of existing trees and shrubs. All plants shall be planted upright or well balanced with best side to front. MycorForce Transplanter shall be spread around the roots of each plant during planting at a rate specified by the supplier.

Topsail and Subsoil
 Do not use subsoil contaminated with with bricks, concrete, hardcore, rubbish or other materials that are corrosive, explosive or flammable, hazardous to human or animal life and are detrimental to plant life. Subsoil shall be excavated and or placed to required profiles and levels. When ground conditions are reasonably dry, subsoils shall be loosened to a depth pf 300mm and all stones larger than 50mm shall be removed. Where existing topsoil on site is deficient and requires topping up, all imported topsoil shall be in accordance with BS3882:2015 and with NHBC requirements.

Do not use topsoil contaminated with with subsoil, rubbish or other materials that are corrosive, explosive or flammable, hazardous to human or animal life and are detrimental to plant life. Topsoil shall be stored in heaps no higher than 1m and wider than 2m and shall be protected from contamination and compaction. Following spreading, topsoil areas shall be cultivated to suitable depth and tith when weather is suitably dry and the surface shall be left regular and even, levels shall be 25mm above adjacent kerbs and 50mm above lawns. Any visible weeds, roots and large stones shall be removed. Do not compact topsoil, and ensure a friable texture of separate visible crumbs.

Recommended depth after settlement:
 Grass Areas: 100mm / Shrub Areas: 450mm

Works Cleanliness
 Remove any soil and arisings from adjacent hard surfaces and leave works in a clean, tidy fashion at completion.

Watering
 Water all plants immediately after planting, thoroughly and without damaging or displacing plants or soil.

Notes
 All soft landscape works to be carried out in accordance with the following guidelines:
 BS4428:1989 Code of Practice for General Landscape Operations.
 BS8545:2014 Trees from Nursery to Independence in the Landscape. Recommendations.

All new planting stock shall comply with the following guidelines:
 BS4043:1989 Transplanting root-balled trees
 BS3936:1992 Nursery Stock Part 1. Specification for Trees and Shrubs.

Follow good modern horticultural practice in any proposed soft landscaping.
 Planting compost shall be entirely free of peat. Proprietary products based on composted straw, manure or coil are acceptable, but products based on wood chips or bark shall not be used.
 All landscape works shall be subject to a 5 year management plan and any dead or defective planting shall be replaced in accordance with the agreed schedules.

PLANT SCHEDULE

Abbr.	SPECIES	Root	Pot Size	Density	Nos.
SHRUBS					
Cs	Cornus sanguinea	CG	3L	3/m2	30
Hh	Hedera helix (not caned)	CG	3L	4/m2	39
LM	Lonicera 'Maygreen'	CG	3L	3/m2	9
Tb	Taxus baccata	CG	3L	2.5/lin.m	12

Plant Numbers for Native Hedge Planting Areas

Mix	Species	NH1	NH2	NH3	Size	Totals
10%	Acer campestre	7	2	3	1+1 80-100 br	12
15%	Corylus avellana	10	3	5	1+1 80-100 br	18
50%	Crataegus monogyna	33	10	16	1+1 80-100 br	59
10%	Ilex aquifolium	7	2	3	60-90 3L	12
5%	Malus sylvestris	3	1	2	1+1 80-100 br	6
5%	Prunus spinosa	3	1	2	1+1 80-100 br	6
2.5%	Rosa canina	2	1	1	1+1 40-60 br	4
2.5%	Viburnum opulus	2	1	1	1+1 80-100 br	4

Plant Numbers for Native Planting Area NP/1

Mix	Species	Size	Totals
10%	Cornus sanguinea	1+1 80-100 br	7
20%	Corylus avellana	1+1 80-100 br	14
40%	Crataegus monogyna	1+1 80-100 br	26
15%	Ilex aquifolium	1+1 80-100 cg	10
5%	Rosa canina	1+1 80-100 br	3
10%	Viburnum opulus	1+1 80-100 br	7

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KEY & NOTATION

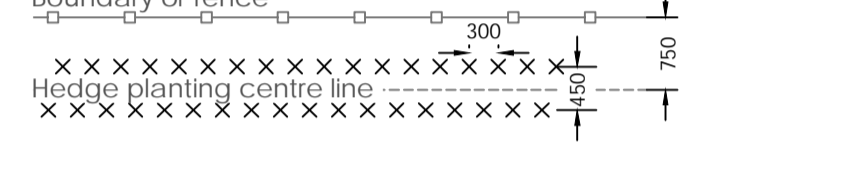
- Existing Retained Vegetation
- Proposed Areas of Shrub Planting
- Yew Hedge

Shrub areas to have minimum 450mm depth of good quality imported cultivated topsoil, free from bricks, large stones and other rubbish.

Proposed Native Hedgerow

To be planted at 5 plants per linear metre in double staggered row. All with spiral rabbit guards and secured with bamboo cane. Plant at 750mm from fence boundary. Areas for planting shall be treated with a translocated herbicide such as Glyphosate to clear any existing weeds before planting, the ground shall be cultivated to a depth of 300mm. Whips shall be pit planted, with backfill mixed with 70grams of Enmag slow release fertiliser. All stock delivered to site shall be of proven British provenance, a certificate shall be provided to the Landscape Architect to prove provenance of plants prior to delivery to site. Dip all roots into MycorForce Whip Dip prior to planting.

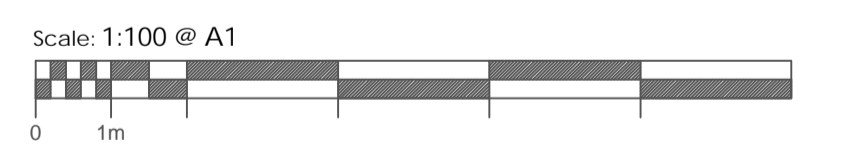
Proposed Native Scrub/Shrub Planting



To be planted within the specified areas shown below. Areas for planting shall be treated with a translocated herbicide such as Glyphosate to clear any existing weeds before planting. After herbicide has taken effect cultivate the area to a coarse tith 250mm deep. Whips shall then be pit planted, with backfill mixed with 70grams of Enmag slow release fertiliser. Gently firm in by treading. All stock delivered to site shall be of proven British provenance, a certificate shall be provided to the Landscape Architect to prove provenance of plants prior to delivery to site. All to have Tubex Netguard, 60cm high and 150mm diameter, dark green colour. To be fixed to firmly anchored softwood timber stakes using 2no. plastic cable ties. Dip all roots into MycorForce Whip Dip prior to planting. Contact supplier for application details, Tel:English Woodlands Burrow Nursery 01435 862992.

Revisions

Revision	Description	Date
D	Updated to David Granger 17_3406_218 Planning proposals	03.03.23
C	Additional native hedge added	06.10.22
B	1. Red line boundary added 2. Planting areas amended	22.09.22
A	1. Native shrub planting added to side elevation.	16.08.22



Project
 16 Six Hills Road,
 Walton-on-the-Wolds,
 Nr. Loughborough, Leics

Drawing
 Detailed Landscape Proposals

Status
 For Planning, Tender & Construction

Date
 07.03.2022

Dwg. No.	Revision	Drawn	Checked
22.1654.001	D	cjn	cjn

Tracts House, Coventry Road
 Burbage, Leics LE10 2HL
 T: 01455 611 950
 E: info@ianstemp.co.uk
 www.ianstemp.co.uk



Landscape Architecture Landscape Planning Urban Regeneration & Design Arborescence

APPEALS AND REVIEWS COMMITTEE 23RD OCTOBER 2023

Report of the Head of Governance and Human Resources

BOROUGH OF CHARNWOOD (BRADGATE ROAD, NEWTOWN LINFORD) TREE PRESERVATION ORDER 2023

The above order relates to individual trees (T1 – T23) and groups of trees (G1 – G4) as detailed in the order and situated on Bradgate Road, Newtown Linford.

The Council's Head of Planning and Growth considers that the trees make a significant contribution to the visual amenity, character and appearance of Newtown Linford. The Council received a S211 notice of intention to carry out works to an oak at a property on Bradgate Road, Newtown Linford. On examination, the property was outside of the Conservation Area and the tree was therefore without any formal protection. The works have since been carried out following confirmation that the tree was not protected. The Council's Senior Landscape Officer subsequently reviewed all significant trees along the road outside of the Conservation Area. A number of the trees have received poor level of works which have disfigured them. They include ash, oak, maple, cherry plum, flowering cherry, deodor cedar, beech, willow, pine, magnolia and yew. The trees are all in fair to good physiological condition. Therefore, the Head of Planning and Growth considered it prudent to create a Tree Preservation Order covering the majority of significant trees along this approach into Newtown Linford, to ensure that the trees are properly protected and retained in a satisfactory manner. Young, poor or compromised trees were not included.

Therefore, an Order was made on 5th May 2023 to provisionally protect the trees.

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

Objections to the Order were received as follows:

- A. From No. 484a - A representation stated on the returned Statement of Information "Tree **(T9)** hangs over a private drive restricting vehicle access, pruned back most years, the tree is now unbalanced, please reconsider".
- B. From No. 482 – A representation that the Tree **(T10)** belongs to the neighbour. It does not confirm the number of the neighbour's property (states next door and illustrates on plan), likely 484 and that property has not been notified of the order.
- C. From No. 480a – A representation that the Tree **(T12)** was cut down in October 2022 with evidence of the payment for that work. A phone call was also received immediately after serving the order to that effect.

- D. From No. 470 – A representation that group of trees (**G3**) described on the Order as 1 monkey puzzle, 3 yew is in fact 1 monkey puzzle but no yew.
- E. From No. 400 – A representation stated on the returned Statement of Information that the Tree (**T23**) already has a TPO on it served in 2020.

Copies of the objections are attached at **Annex 2**.

The Head of Planning and Growth's comments on the issues raised in the objections 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 (Bradgate Road, Newtown Linford) 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 (Bradgate Road, Newtown Linford) 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 5th day of May 2023

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





2023/24-17

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Maple	Front of 514
T2	Ash	Front of 512
T3	Cherry Plum	Front of 506
T4	Ash	Front of 504
T5	Ash	Front of 504
T6	Ash	Front of 502
T7	Oak	Rear of 500
T8	Ash	Front of 498
T9	Deodor Cedar	Front of 484a
T10	Flowering Cherry	Front of 482
T11	Oak	Front of 482
T12	Maple	Front of 480a
T13	Ash Pollard	Front of 480
T14	Birch	Front of 472
T15	Beech	Front of 468
T16	Oak	Front of 466
T17	Willow	Front of 466
T18	Pine	Front of 464
T19	Magnolia	Front of 464
T20	Oak	Front of 462
T21	Ash	Front of 450

T22	Oak	Front of 422
T23	Oak (veteran)	Front of 400

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)

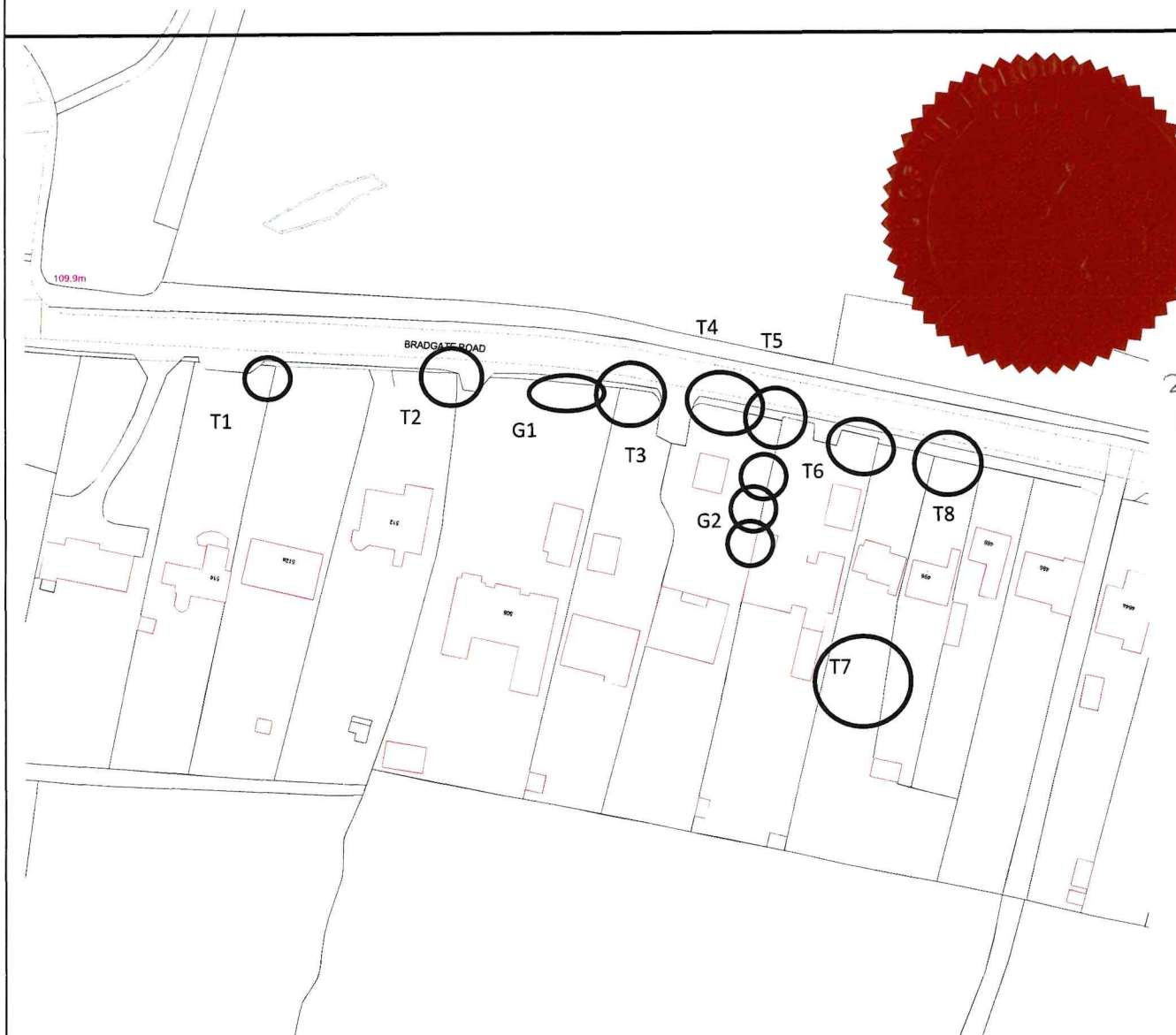
Reference on map	Description (including number of trees in the group)	Situation
G1	4 Yew	Front of 508
G2	3 Birch	Front of 504
G3	1 Monkey Puzzle, 3 Yew	Front of 470
G4	3 Birch	Front of 464a

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	None	

I certify this map shows the trees referred to in the first schedule of the
Borough of Charnwood (Bradgate Road, Newtown Linford)

Tree Preservation Order 2023

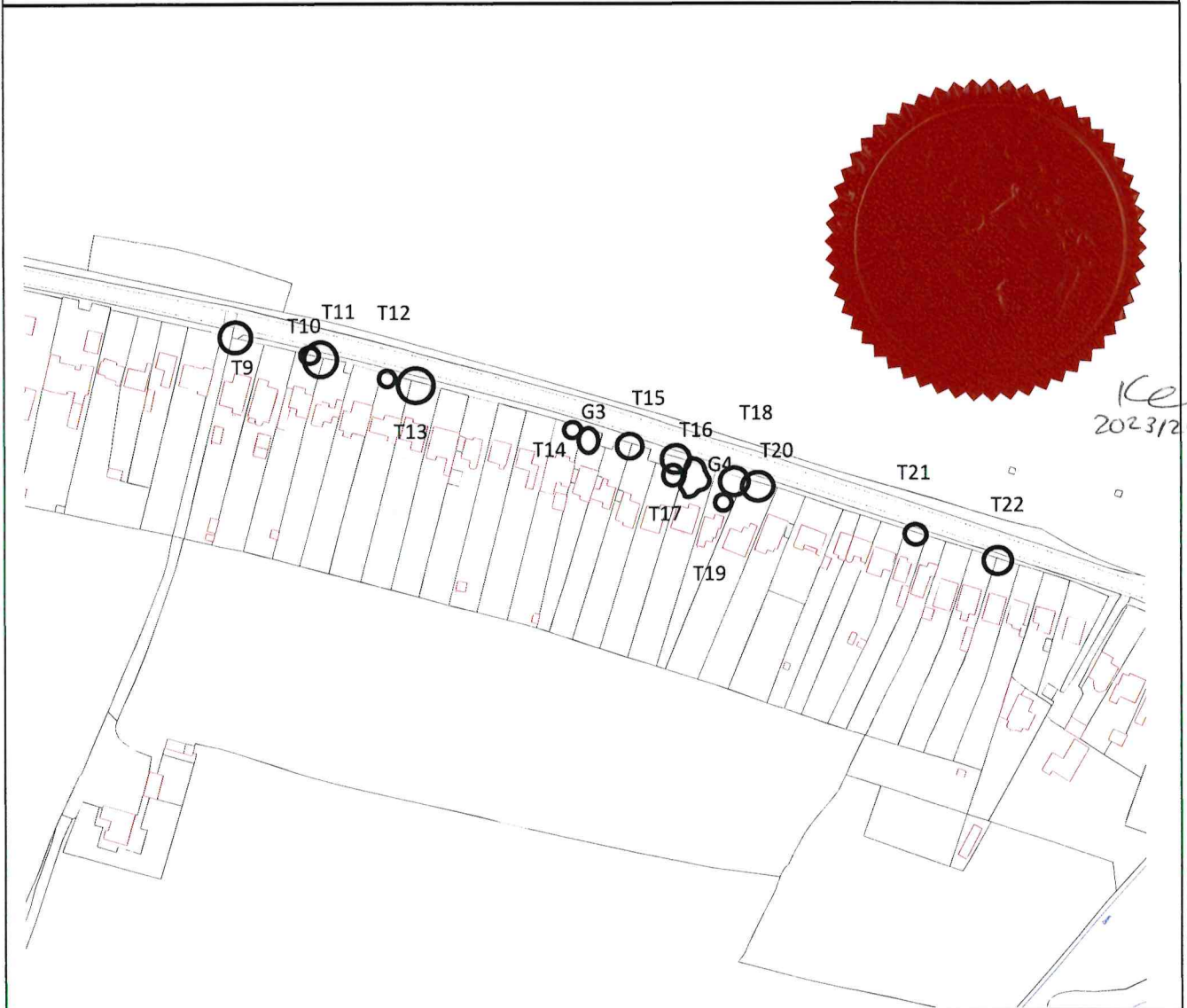


Borough of Charnwood
(Bradgate Road, Newtown Linford)
Tree Preservation Order 2023
Map sheet 1 of 3

R Bennett Dip. TP. MRTPI
Head of Planning & Growth
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 25 April 2023
Scale: 1:1250
Prep: NO'D

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I certify this map shows the trees referred to in the first schedule of the
Borough of Charnwood (Bradgate Road, Newtown Linford) Tree Preservation
Order 2023

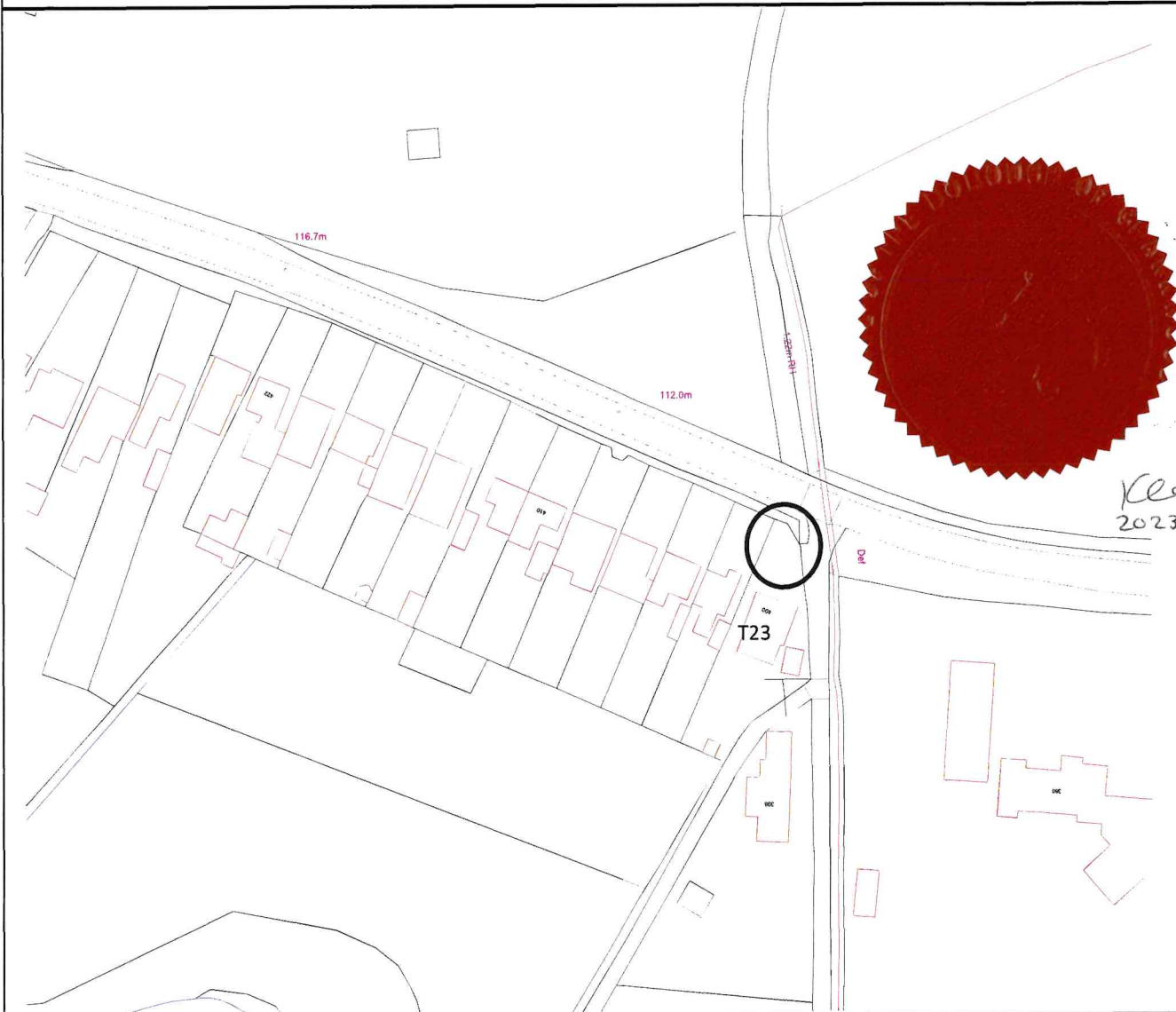


Borough of Charnwood
(Bradgate Road, Newtown
Linford)
Tree Preservation Order 2023
Map sheet 2 of 3

R Bennett Dip. TP.
MRTPI
Head of Planning &
Growth
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 25 April 2023
Scale: 1:2500

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Her Majesty's Stationary Office, Crown Copyright Reserved.

I certify this map shows the trees referred to in the first schedule of the
Borough of Charnwood (Bradgate Road, Newtown Linford)
Tree Preservation Order 2023



Borough of Charnwood
(Bradgate Road,
Newtown Linford)
Tree Preservation Order 2023
Map sheet 3 of 3

R Bennett Dip. TP. MRTPI
Head of Planning & Growth
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 27 April 2023
Scale: 1:1250
Prep: NO'D

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CHARNWOOD BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 S.330

Statement of Information Required by the Council

To: **The Head of Governance and Human Resources, Charnwood Borough Council, Southfields, Loughborough, LE11 2TX (F.A.O. Mrs L. Strong, Democratic Services)**

In reply to your Notice, dated the 5th day of May 2023 under the above Act, requiring me to give you certain information as to my interest and the interest of other persons in land at 484a, Bradgate Road, Newtown Linford, Leics LE6 0HB.

I HEREBY STATE that the answers to the questions set out in the Schedule hereto comprise a true and correct statement of all the information required by the said Notice, so far as the same is within my knowledge.

Signature _____

Address: 484A BRADGATE ROAD

NEWTOWN LINFORD, LEICESTERSHIRE LE6 0HB

Dated the _____ day of _____ 2023

SCHEDULE

1. Name and address of occupier:

Mr & Mrs R COOPER

SEE ABOVE

2. State whether land or premises are held by occupier:

(a) On weekly tenancy

(b) On agreement, if so, for what period

(c) On lease, if so for what term

3. Name and address of person to whom rent is paid:

(is he/she agent for another person, if so, for whom?)

continued overleaf/

Address of such other person

n/a

4. Name and address of freeholder:

MR + MRS R COOPER - 45/46 BRADGATE ROAD
NEWTOWN WINEFORD. LE6 0HB

5. Name and address of leaseholder:

n/a

6. Name and address of mortgagee:

n/a

7. Name and address of any person (other than those above specified) having an interest in the premises:

MR + MRS - CORK HALL FARM,
BRADGATE ROAD, NEWTOWN WINEFORD, LE6 0HB

State nature of such interest:

TREE HANGS OVER PRIVATE DRIVE RESTRICTING
VEHICLE ACCESS. PRUNED BACK MOST YEARS.
THE TREE IS NOW UNBALANCED. PLEASE RECONSIDER.

Mr Edward Willday
482 Bradgate Road
Newtown Linford
Leicestershire
LE6 0HA

Mrs Laura Strong
Charnwood Borough Council
Democratic Services
Southfield Road
Loughborough
Leicestershire
LE11 2TX

24/05/2023

Dear Laura,

I have received my Charnwood Borough Council letter informing me of a TPO on an old oak tree ref: T11 outside my property. Which isn't a problem, I have signed the enclosed documents. You'll also find that I have excluded T10 – a Cherry blossoming tree, as this belongs to my neighbour.

Can you please update your map, as I wouldn't want to be liable for T10.

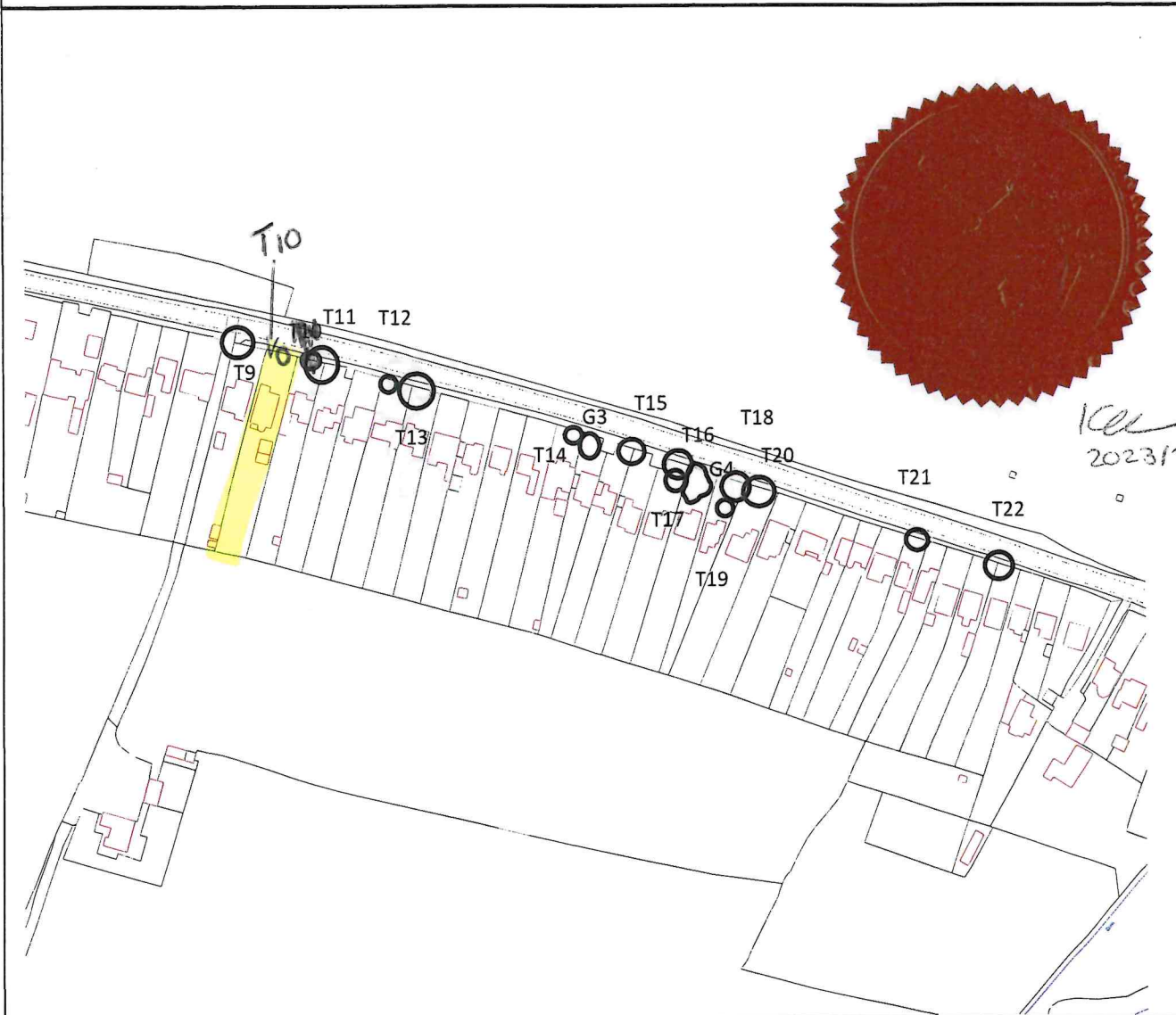
Happy to talk over the phone: 0

I look forward to your response.

Kind regards


Mr Edward Willday

I certify this map shows the trees referred to in the first schedule of the
Borough of Charnwood (Bradgate Road, Newtown Linford) Tree Preservation
Order 2023



Borough of Charnwood
(Bradgate Road, Newtown
Linford)
Tree Preservation Order 2023
Map sheet 2 of 3

R Bennett Dip. TP.
MRTPI
Head of Planning &
Growth
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 25 April 2023
Scale: 1:2500

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SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Maple	Front of 514
T2	Ash	Front of 512
T3	Cherry Plum	Front of 506
T4	Ash	Front of 504
T5	Ash	Front of 504
T6	Ash	Front of 502
T7	Oak	Rear of 500
T8	Ash	Front of 498
T9	Deodor Cedar	Front of 484a
T10	Flowering Cherry	Front of 482
T11	Oak	Front of 482
T12	Maple	Front of 480a
T13	Ash Pollard	Front of 480
T14	Birch	Front of 472
T15	Beech	Front of 468
T16	Oak	Front of 466
T17	Willow	Front of 466
T18	Pine	Front of 464
T19	Magnolia	Front of 464
T20	Oak	Front of 462
T21	Ash	Front of 450

NEXT DOOR

480A Bradgate Road
NEWTOWN LINCOLN
LE6 0HA

Tel: 01

12th May 2023

Ms. Laura Strong
Democratic Services Office
Charnwood Borough Council
Southfield Road
LOUGHBOROUGH
LE11 2TX

Dear Ms. Strong,

Tree Preservation Order 5th May 2023
480A Bradgate Road, Newtown Linford

I write to confirm our telephone conversation yesterday when I informed you that the maple specified in the Order on the frontage of 480A Bradgate Road, Newtown Linford, was cut down on 28th October, 2022.

To verify this I enclose a photocopy of the counterfoil of the cheque used to pay Daniel Ritchie of Ritchie Tree and Garden Services. Mr. Ritchie was particularly conscientious and checked his plan to see if it was specified before agreeing to carry out the work. I do not know to which plan he was referring (obviously not yours) but it was not shown and the tree was subsequently cut down.

(cont'd.)

I would be very grateful if you would amend your Order by removing this tree from the list of trees specified individually.

Yours sincerely,

C. D. (Mrs.)

P.S. As requested, I also enclose the Statement of Information Required by the Council form, duly completed.

Encs.

It's important that you help yourself from becoming a victim of cheque book fraud. To avoid this please consider the following:

- Never sign a blank cheque – all cheques should be fully completed
- Shred any cheques/cards that are to be discarded
- Never keep your cheque book with your debit card

For further information on what's happening with cheques, please visit our website www.natwest.com/cheques. As a cheque book user you may not be aware of other payment methods that could be more effective, secure and worky than cheques:

With a Visa Debit card you can

- Pay for items or make bill payments in shops, over the phone or online
- Use your card abroad wherever you see the Visa logo

When you use your Visa Debit card to make purchases in any goods online, you'll now receive a higher level of protection.

For further information on Visa Debit please visit www.natwest.com/visadebit

Through our Online Banking service you can save yourself time by

- Setting up a Direct Debit or Standing Order to make a regular bill payment
- Transferring money between accounts, or sending payments i.e. sending money to other people

With our Online Banking security promise, our priority is making your online banking experience as safe and secure as possible.

Register for Online Banking at www.natwest.com/onlinebanking or alternatively you can contact Telephone Banking team or visit your local branch.

www.natwestinternational.com/cheques

www.natwestinternational.com/online-banking

This cover is manufactured using an environmentally friendly process from a sustainable source.



ban
Paid in by

Date 28th Oct
22
 Pay to Ratna Fee
for Chandras

Bill For £ 180.00

Other Items

00

1100

1100

From www.natwest.com 9506

For this Cheques

NatWest

Branch Sort Code

North
Moy
Page 40

D. Rep from 470 (Group G3 just 1 monkey puzzle)

470 Bradgate Road
Newtown Linford
Leicestershire
LE6 0HA

25 May 2023

Ms. Laura Strong
Democratic Services Officer
Charnwood
Southfields Road
Loughborough
LE11 2TX

Town and Country Planning Act 1990 Section 330

Dear Ms. Strong,

I am writing to inform you that the information regarding 470 Bradgate Road, Newtown Linford is incorrect. It states that:

Map Ref. G3 Front 1 Monkey Puzzle
3 Yew

There is 1 Monkey Puzzle but 0 Yew.

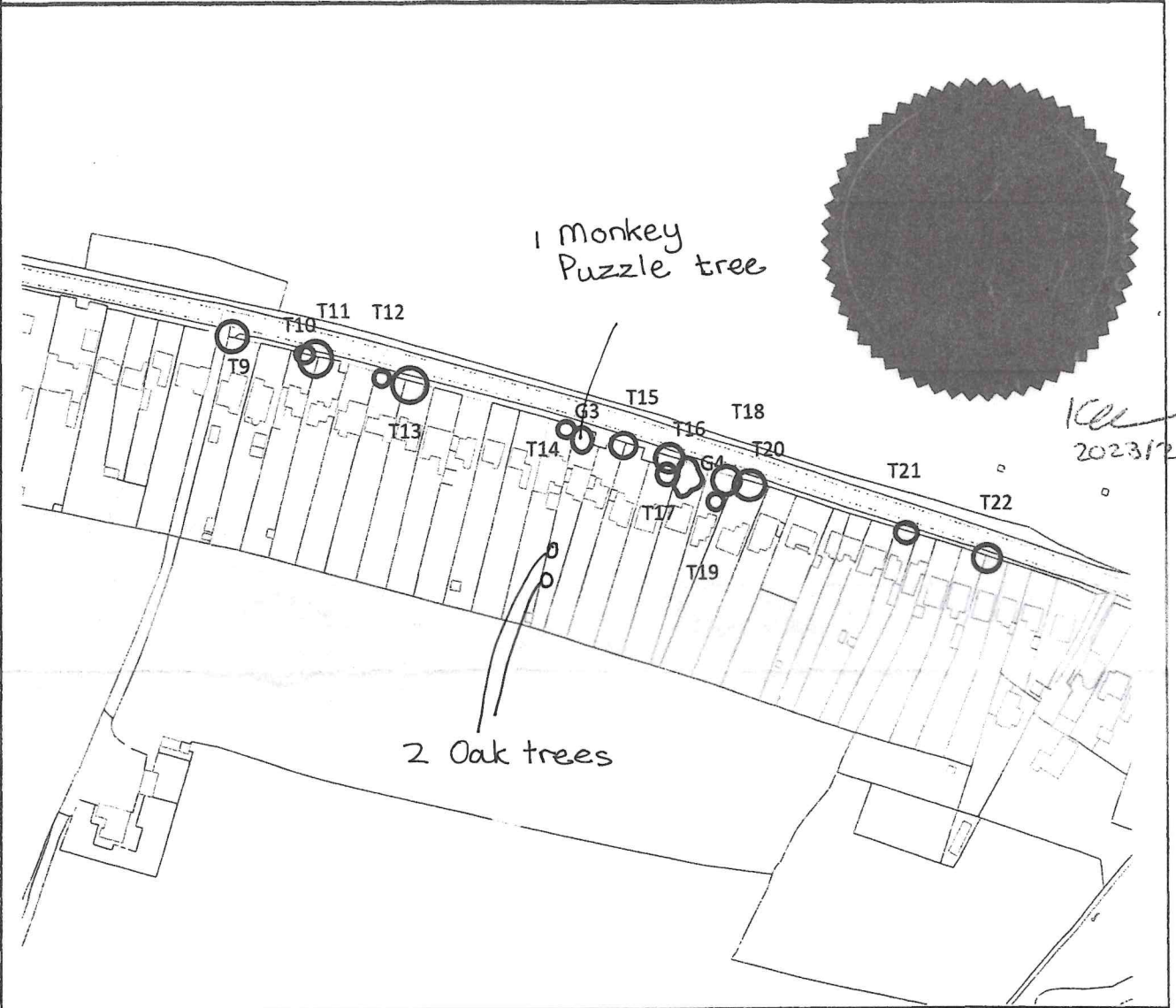
You also omit to state that there are 2 Oak trees at the rear which I would have thought would require a Preservation Order.

Yours sincerely,



C. Scrine.

I certify this map shows the trees referred to in the first schedule of the
Borough of Charnwood (Bradgate Road, Newtown Linford) Tree Preservation
Order 2023



Borough of Charnwood
(Bradgate Road, Newtown
Linford)
Tree Preservation Order 2023
Map sheet 2 of 3

R Bennett Dip. TP.
MRTPI
Head of Planning &
Growth
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: 25 April 2023
Scale: 1:2500

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CHARNWOOD BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 S.330

Statement of Information Required by the Council

To: The Head of Governance and Human Resources, Charnwood Borough Council, Southfields, Loughborough, LE11 2TX (F.A.O. Mrs L. Strong, Democratic Services)

In reply to your Notice, dated the 5th day of May 2023 under the above Act, requiring me to give you certain information as to my interest and the interest of other persons in land at 400 Bradgate Road, Newtown Linford, Leics LE6 0HB.

I HEREBY STATE that the answers to the questions set out in the Schedule hereto comprise a true and correct statement of all the information required by the said Notice, so far as the same is within my knowledge.

Signature _____

Address: 400 BRADGATE ROAD,
NEWTOWN LINFORD, LEICESTER, LE60HA

Dated the 8/5/23 day of 08/05/ 2023

SCHEDULE

1. Name and address of occupier:

M & Mrs LESNICKIJA
400 BRADGATE ROAD, NEWTOWN LINFORD, LEICESTER, LE60HA

2. State whether land or premises are held by occupier:

- (a) On weekly tenancy

- (b) On agreement, if so, for what period

- (c) On lease, if so for what term

3. Name and address of person to whom rent is paid:

(is he/she agent for another person, if so, for whom?)

continued overleaf/

Address of such other person

4. Name and address of freeholder:

NOEL & HELEN LESKEVICIUS

5. Name and address of leaseholder:

6. Name and address of mortgagee:

7. Name and address of any person (other than those above specified) having an interest in the premises:

State nature of such interest:

T.P.O IS ALREADY ON OUR TREE
BY OUR REQUEST 2020

APPEALS AND REVIEW COMMITTEE 23rd October 2023

BOROUGH OF CHARNWOOD (Bradgate Road Newtown Linford) TREE PRESERVATION ORDER 2023 – PROVISIONAL

1.1 Background

We received a S211 Notice P/23/0361/2 of intention to carry out works to an oak at 482 Bradgate Road - *crown lift to 5 meters over carriage way and balance canopy. Then undertake a 2.5 meter crown reduction* - from a tree surgeon. On examination the property actually lies outside of the Conservation Area and is therefore without any formal protection. I withdrew the notice on 4 April 2023 and informed the agent that the property lies outside the Conservation Area. The works are only partially appropriate with intention to crown reduce not necessary or advisable. The works have been carried out following my confirmation that the tree was not protected.

It is therefore prudent to create a TPO covering the majority of significant trees along the approach into Newtown Linford.

Reason

To ensure the trees, make a significant contribution to the visual amenity, character and appearance of Newtown Linford are properly protected and retained in a satisfactory manner.

1.2 The Site

The site is the front gardens of properties along the south side of Bradgate Road, Newtown Linford, from the edge of the conservation area to the parish boundary.

1.3 Condition of the tree

The Council subsequently reviewed all significant trees along the road outside of the Conservation Area. A number of the trees have received poor level of works which have disfigured them. There are ash, oak, maple, cherry plum, flowering cherry, deodor cedar, beech, willow, pine, magnolia and yew. The trees are all in fair to good physiological condition. I have not included young, poor or compromised trees.

2.0 The Objections to the Order

The Council has received representations regarding the trees that are included in the order as follows:

- A. From No. 484a - A representation stated on the returned Statement of Information "Tree **(T9)** hangs over a private drive restricting vehicle access, pruned back most years, the tree is now unbalanced, please reconsider".
- B. From No. 482 - A representation that the Tree **(T10)** belongs to his neighbour. It does not confirm the number of the neighbour (just states next door and illustrates on plan), but likely 484 and that property has not been notified.
- C. From No. 480a - A representation that the Tree **(T12)** was cut down in October 2022 with evidence of the payment for that work. Also received, a phone call immediately after serving the order to that effect.
- D. From No. 470 - A representation that group of trees **(G3)** described on the Order as 1 monkey puzzle, 3 yew is in fact 1 monkey puzzle but no yew.
- E. From No. 400 - A representation that the Tree **(T23)** already has a TPO on it served in 2020.

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

3.0 Response to the Objections

- A. For the Committee to decide whether the Tree T9 is of sufficient amenity value to be retained in the order. (Photos contain within the appendix)
- B: Recommend remove T10 from the order as the owner has not been notified of the serving of the Provisional Order on the Flowering Cherry Tree within their property boundary.
- C: Recommend remove T12 from the order as it was no longer in existence when the order was served.
- D: Recommend amend G3 to an individual tree (T24 - Monkey Puzzle), as the other three trees included within the property boundary of No.470 Bradgate Road have been inaccurately identified.
- E: The Council does not have a record of T23 located within the property boundary of No.400 Bradgate Road being included in a previously served TPO. Therefore, recommend that T23 should be retained in the confirmed order as there is no objection to its protection.

4.0 Conclusion

Removing the Order by failing to confirm it at this Appeals and Reviews Committee would mean the trees would not be protected.

The Committee is therefore recommended to confirm the Order with modifications, see section 3 above.

Contact Officer:

Mark Fennell

Team Leader Natural & Built Environment

trees@charnwood.gov.uk

APPENDIX A - Photographs of Tree T9 to assist Committee in deciding whether it is of sufficient amenity value to be retained in the Order.





CORNER HALL
FARM

XX52 HAN

