

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



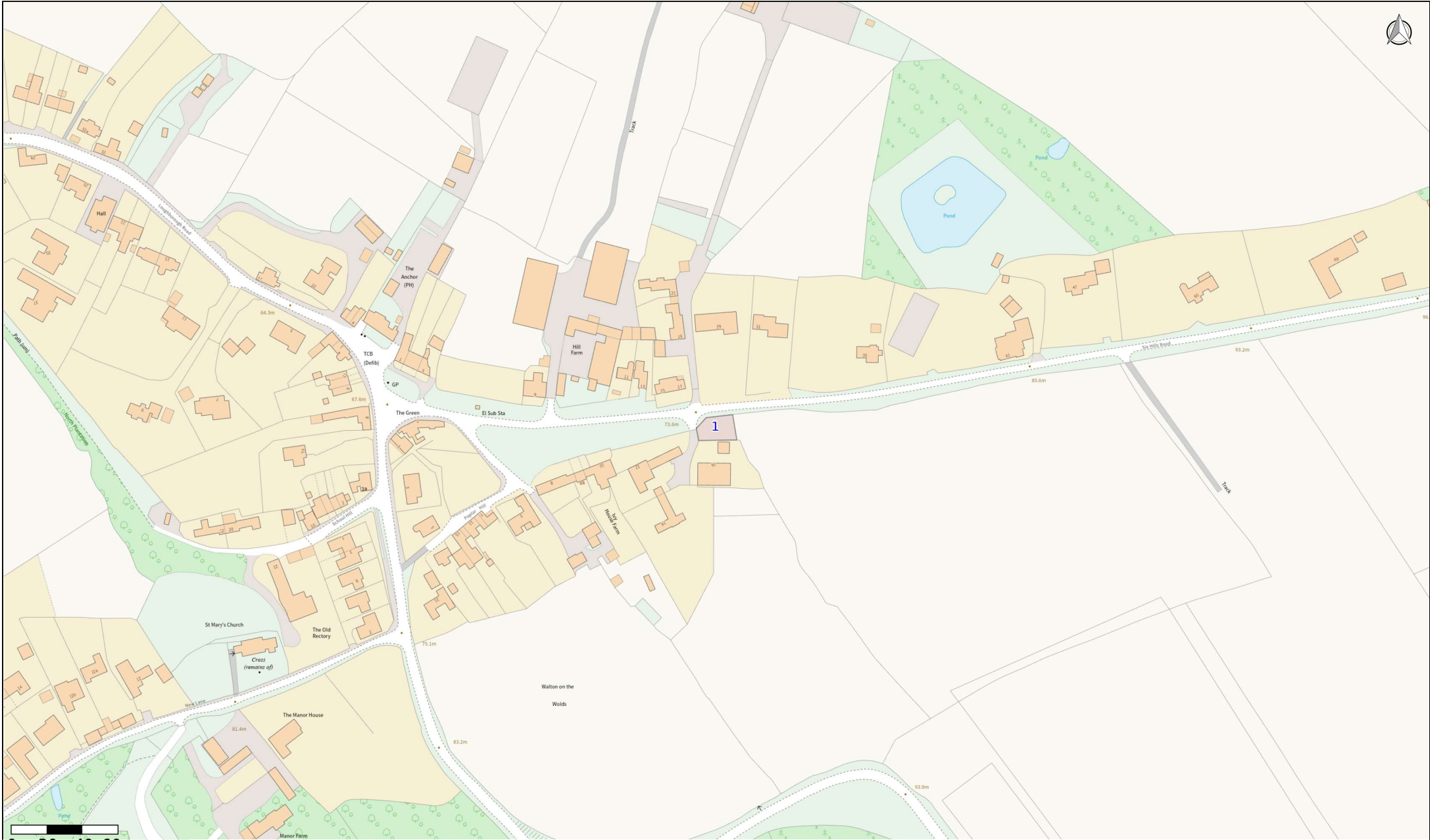


Figures 2 and 3) Aerial views of 16 Six Hills Road and surrounding land



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

Operations Map

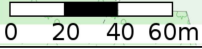
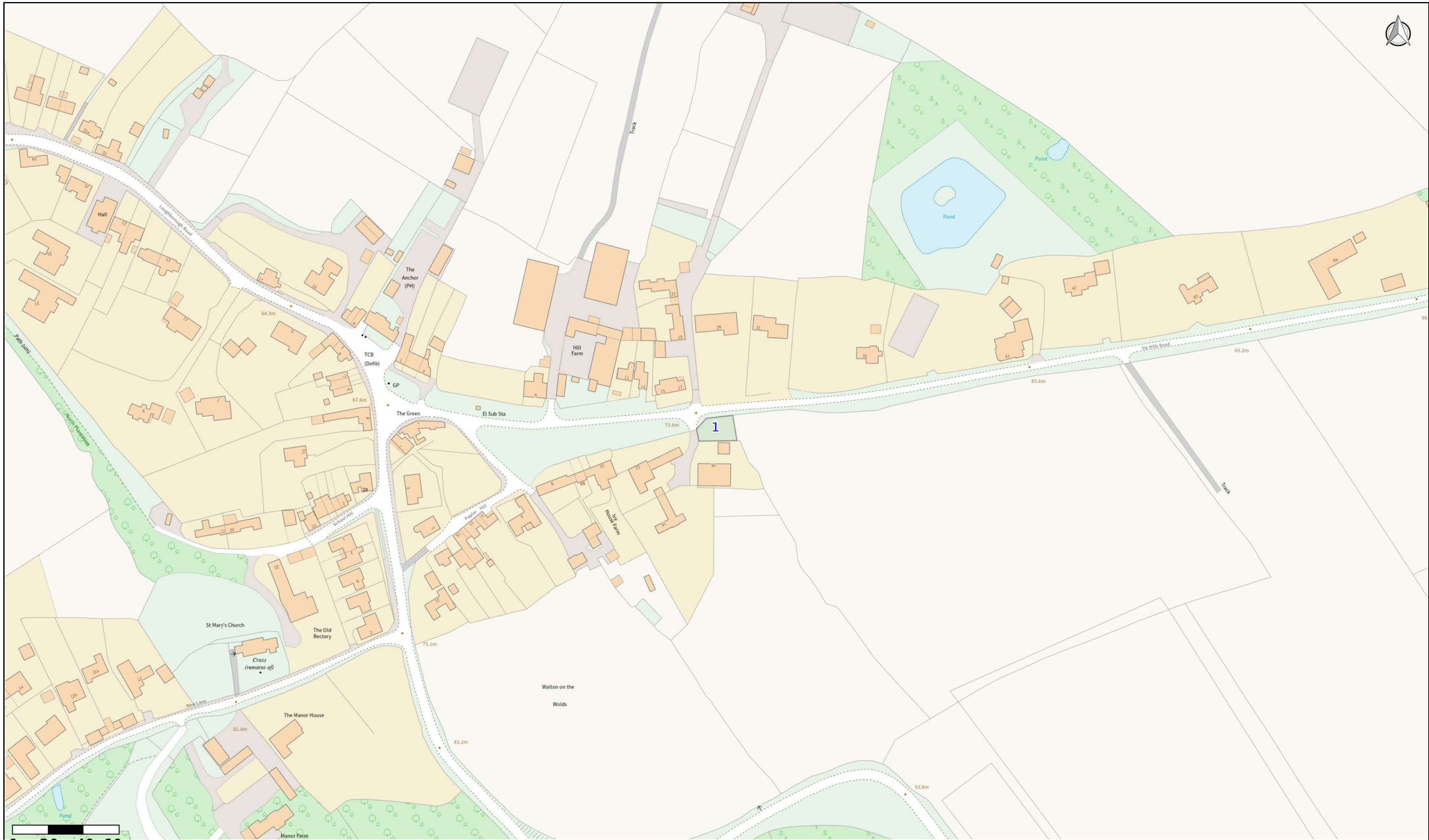


Walton Free Range Farm | SK 594 197 | 017/551/2023

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Restocking Map



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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 30mm. 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.

Topsoil 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. Topsoil 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 coal 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

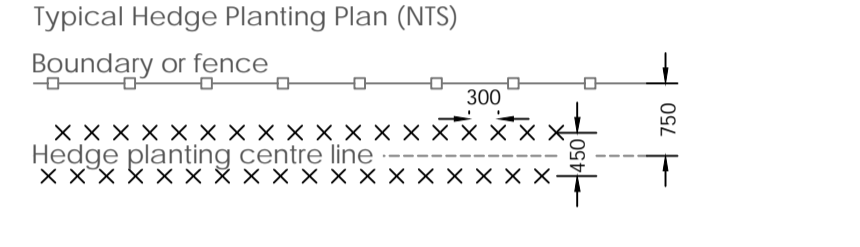
Plant Numbers for Native Planting Area NP/1

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

KEY & NOTATION

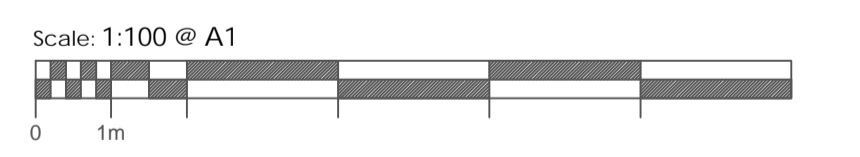
- Existing Retained Vegetation
- Proposed Areas of Shrub Planting
- Shrub areas to have minimum 450mm depth of good quality imported cultivated topsoil, free from bricks, large stones and other rubbish.
- Yew Hedge
- Ensure all plants are bushy to provide joined up length of hedge. Trim all hedges at planting to ensure neat appearance and promote new growth.

- 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	Dwn.
D Updated to David Granger 17_3406_218 Planning proposals	cjc 03.03.23
C Additional native hedge added	cjn 06.10.22
B 1. Red line boundary added 2. Planting areas amended	cjn 22.09.22
A 1. Native shrub planting added to side elevation.	cjn 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.
 22.1654.001

Revision
 D

Drawn
 cjn

Checked
 cjn