

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:

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Senior Landscape Officer

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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
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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 |

Score & Notes

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

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

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 |

Score & Notes

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

* 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

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 | 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 |
| 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

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|--|
| 5) Immediate threat to tree i.e. s.211 Notice | Score & Notes
A to D score = 15
5 - planning application stating intention to remove the tree to accommodate a garage |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

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

Add Scores for Total:
20

Decision:
Merits TPO