

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE - 3 FEBRUARY 2015

Title of report	TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER AT 73 PARK LANE, CASTLE DONINGTON
Contacts	Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk Planning and Development Team Manager 01530 454668 chris.elston@nwleicestershire.gov.uk Tree Officer 01530 454683 julian.simpson@nwleicestershire.gov.uk
Purpose of report	To consider the objection lodged by Mr. P. Neal, 75 Park Lane, Castle Donington.
Council Priorities	Homes and Communities
Implications	None
Financial/Staff	None
Link to relevant CAT	None
Risk management	None
Equalities Impact Screening	Equality Impact already undertaken, issues identified actioned.
Human Rights	Under the Human Rights Act, Article 8, there is a right to respect for private and family life, the home and correspondence. The making of a Tree Preservation Order potentially impacts on that right. However, in this case it is considered that the making of the Order is justified in the public interest.
Transformational Government	None
Comments of Head of Paid Service	Report is satisfactory

Comments of Section 151 Officer	Report is satisfactory
Comments of Deputy Monitoring Officer	Report is satisfactory
Consultees	None
Background papers	Held on file in the Planning Office
Recommendations	THAT THE TREE PRESERVATION ORDER BE CONFIRMED

1.0 INTRODUCTION AND BACKGROUND

- 1.1 Following a request made by the tree owner at 73 Park Lane to protect a Eucalyptus tree (T1) in the front garden and also secondary discussion with the Tree Officer about a Sycamore tree (T2) on the property frontage, a TEMPO (Tree evaluation method for preservation orders) assessment was carried out on both trees. TEMPO assessments are carried out to show a consistency in approach. Both trees score sufficiently in terms of condition, life expectancy and visibility to merit protection by TPO.
- 1.2 The tree owner has concerns that large branches overhanging the boundary could be cut back in a damaging way. The trees do not obstruct the adjacent property and are located to the north of the dwellings and therefore cast minimal shade over the property at no.75.
- 1.3 A provisional TPO was made on 1 October 2014.

2.0 OBJECTIONS AND OFFICER COMMENTS

2.1 Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

One objection has been received from the neighbour at 75 Park Lane whose garden the trees overhang. He is of the opinion that the Eucalyptus is dead or dying, has canker, peeling bark, has lacked maintenance and is diseased. Part of the trunk split twenty-two years ago and he feels this may happen again. One minor branch has broken more recently.

Mr Neal is of the opinion that the TPO was not made for arboricultural reasons but because of a recent Anti Social Behaviour dispute and that T2 Sycamore has no public amenity value.

2.2 Officer Observations

The Eucalyptus is not dead or dying and peeling bark is natural for the species. There is no evidence of Phytophthora disease as suggested. There is a limited amount of decay at an old wound which the tree has naturally walled off. Some colonisation of dead wood by saprophytic fungus is evident but no serious fungal decay pathogens have been found.

Some dead branches are present in the crown which is part of the tree's natural life processes and these can be pruned out for safety reasons without LPA consent.

Located in the front garden, both trees have public amenity value. The TEMPO appraisal carried out is consistent with the method used for all other TPO requests and the TPO was made in accordance with planning requirements.

A TPO will help prevent unnecessary tree work which could be damaging and also enable the control of work quality so that it is carried out in accordance with British Standard 3998:2010.

Since the TPO was made both parties have agreed to a certain amount of pruning and both have made separate applications to carry out the work. The two applications were approved on 19 January 2015.