

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**PLANNING COMMITTEE - 5 JANUARY 2016**

Title of report	<b>TO CONSIDER CONFIRMING A TREE PRESERVATION ORDER AT 29 LONDON ROAD KEGWORTH</b>
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Purpose of report	To consider the objections lodged by Mr. S Bradwell and Mr. D. F. Ledsam in respect of the provisional Tree Preservation Order made on 16 July 2015.
Reason for decision	The TPO needs to be confirmed within six months. Trees will lose their protection if not confirmed within six months.
Council Priorities	Homes and Communities
Implications	None
Financial/Staff	None
Link to relevant CAT	None
Risk management	None
Equalities Impact Screening	Equality Impact Screening 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	People with a legal interest in the land affected by the Order have been consulted and members of the public were consulted by the placing of site notices.
Background papers	On file
Recommendations	<b>THAT THE TPO BE CONFIRMED</b>

## 1.0 INTRODUCTION AND BACKGROUND

A tree survey and arboricultural implications assessment has been submitted to support planning application 15/00365/OUT - Residential development of three dwellings (Outline- all matters other than part access reserved) within the residential garden area of 29 London Road Kegworth, registered on 23 April 2015.

The tree survey identified 40no. individual trees and two tree groups on the site. The proposed site plan showed 15no. trees remaining, some of which would be compromised by proposed construction.

A revised site plan was submitted in November 2015 for two dwellings showing four of the protected trees removed and others compromised but with 23no. unprotected trees retained.

The commissioned tree survey from Canopy Tree Services concluded that “most of the trees on site have been classified as low value trees” although they could have a “positive impact on development” but “they should not be a constraint to development”.

The tree survey is considered to have under-rated the quality and condition of trees on the site which contains some fine specimens and mature specimens such as Beech, Weeping beech, Tree of heaven, Ginkgo, Pine, Cypress, Sycamore and Holm oak in addition to smaller varieties such as Apple, Cherry and pollarded Lime.

A TEMPO (Tree evaluation method for preservation orders) assessment has been carried out and it is considered that 12no. trees meet the criteria to merit protection by Tree Preservation Order.

TEMPO assessments are carried out to show a consistency of approach by the Local Planning Authority. All 12no. trees scored sufficiently in terms of condition, life expectancy, visibility, impact, rarity, form, age, historic importance, cohesion and expediency.

A provisional TPO was made on 16 July 2015.

To provide continued protection the TPO needs to be confirmed before 16 January 2016.

The TPO does not prevent development but can be used to guide design and avoid loss of the most important trees.

## **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.

Two letters of objection have been received from the applicant and agent. Objections relate to a lack of public view from the highway, that the TPO would have a detrimental effect on the existing garden, that the trees are unsafe and that the TPO effectively imposes a change of use over a large part of the garden.

In respect of specific trees the owner objects to the TPO because it would restrict management of the garden as it is now but not in terms of the proposed development. He believes that some species are invasive, obstruct light, are too old, common, unsafe, poor specimens, poisonous or allergenic.

The agent considers that a TPO is not expedient or in the interests of amenity, that tree removal would not have a negative impact on the local environment and that The Council has not made an assessment of the trees' public visibility.

### **2.2 Officer Observations**

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.

The TEMPO assessment takes into account public visibility, individual impact and wider impact, both now and in the context of potential development.

The applicant's submitted tree survey only suggests that three trees are unsuitable for retention due to poor condition and those three have been excluded from the Tree Preservation Order.

Whether or not a tree species is common, it can still have high amenity value. All parts of Yew except for the fleshy parts of the berry can be poisonous if digested but with sensible precautions, risk is limited. Ginkgo has mild allergenic properties when large quantities of pollen are produced but it is frequently planted in public and urban areas. Such characteristics do not restrict or detract from amenity value sufficiently to warrant felling.

Given the proposed development the TPO is more pressing than it would otherwise have been. It will enable the planning authority to secure a design in which the most suitable trees can co-exist with any new dwellings.