

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE - 6 DECEMBER 2016

Title of report	TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER ON FIFTEEN YEW TREES AT THE OLD PARSONAGE LONG WHATTON
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Purpose of report	To consider the objection lodged by Mr Barnaby Shaw.
Reason for decision	A provisional Tree Preservation Order was made on 24 June 2016. The Tree Preservation Order needs to be confirmed within six months. Trees will lose their Tree Preservation Order protection if not confirmed within six months.
Council Priorities	Homes and Communities
Implications	
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 Tree Preservation Order is justified in the public interest.

Transformational Government	None
Comments of Deputy Chief Executive	Report is satisfactory
Comments of Deputy 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 Tree Preservation Order have been consulted and members of the public were consulted by the placing of site notices in the vicinity of the land which shall be subject to the Tree Preservation Order.
Background papers	None
Recommendations	THAT THE TPO BE CONFIRMED

1.0 INTRODUCTION AND BACKGROUND

- 1.1 A notification of intention to carry out works to trees in a conservation area was received on 26 April 2016 following pre-application advice which had outlined that a detailed tree pruning specification was needed.
- 1.2 Work proposed by the applicant to the group of fifteen mature yews near the churchyard boundary of The Old Parsonage, was to “reduce the crowns and reshape as appropriate”.
- 1.3 The Local Planning Authority can deal with such an application in three ways. Either make a Tree Preservation Order if it is justified in the interests of amenity, decide not to make a Tree Preservation Order and allow the six week period to expire, at which point the proposed work may go ahead or decide not to make a Tree Preservation Order and inform the applicant that the work can go ahead.
- 1.4 It was considered by the Council’s Tree Officer that the work proposed by the applicant could be both harmful to tree health, amenity value and the setting of the churchyard.
- 1.5 Without a Tree Preservation Order, the standard and degree of work carried out cannot be controlled by planning condition.

2.0 OBJECTIONS: Summary of Representations Received

- 2.1 The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.
- 2.2 Mr Shaw's objection provides background to his notification. The proposed work is part of a restoration programme and because the trees are considered to significantly shade his property he wishes to reduce their height to increase light levels. Mr Shaw estimates that the trees are 20m. high but they are in fact much less at 10-12m. high. Branches of one tree are within 4m. of the conservatory of Mr Shaw's property.
- 2.3 The basis of the objection is that responsible and proper tree surgery would be carried out and that a height reduction would not affect visual amenity.
- 2.4 The objection seeks to clarify the extent of height reduction, now estimated to be by 25%, but this in itself confirms that it would be harmful to both tree condition and appearance. No finished dimensions have been provided.

3.0 OFFICER COMMENTS

- 3.1 The trees form an important and historical back-drop to the church to the south of The Old Parsonage.
- 3.2 The proposed work would not be in accordance with best practice as outlined in British Standard 3998:2010, resulting in an unattractive appearance.
- 3.3 The Trees are 10-12m. high and located 10-20m. from the house with branches of one tree spreading over the paved area to within 4m. of the conservatory, and branches of other trees to within 7-15m. of the house. They do shade this area of the property and lesser works could be agreed to help address the issue in a more sympathetic manner appropriate to the tree species, their age, characteristics and form.
- 3.4 A Tree Preservation Order is justified in respect of the trees condition, life expectancy, impact, public amenity and landscape cohesion.