



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE – 15.06.2022
Report Number	AGENDA ITEM 6
Subject	TREE PRESERVATION ORDER – 22/00003/IND
Wards affected	Coln Valley
Ward member	Cllr Ray Theodoulou Email: raymond.theodoulou@cotswold.gov.uk
Accountable officer	Justin Hobbs (Tree Officer, Heritage & Conservation) Email: Justin.Hobbs@publicagroup.uk
Summary/Purpose	To consider objection and support to the making of Tree Preservation Order 22/00003/IND in respect of a tree at 1 The Laurels, Mawley Road, Quenington.
Annexes	Annex A – Tree Preservation Order 22/00003/IND (Plan & Schedule) Annex B – Cotswold District Council Tree Preservation Order Appraisal Form. Annex C – Photographs of the tree Annex D – Objection letter to the making of the TPO.
Recommendation(s)	<i>To confirm TPO22/00003/IND</i>
Corporate priorities	<ul style="list-style-type: none"> Delivering our services to the highest standards Responding to the challenges presented by the climate crisis
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Heritage and Design Manager, Chair of the Planning and Licensing Committee and the local Ward Members.



1. BACKGROUND

1.1 A Section 211 Notification to remove an apple tree in the Quenington Conservation Area at 1 The Laurels, Mawley Road, was received by the Council on 24/01/2022. Ref 22/00291/TCONR.

1.2 The public visual amenity of the tree was assessed and it was considered expedient to serve a TPO to prevent the tree from being felled. Cotswold District Council Tree Preservation Order Appraisal Form is included in **Annex B**.

1.3 The reasons for making the TPO were given on the relevant TPO notice as:

A section 211 Notice has been submitted to fell this tree. The tree is worthy of a TPO by virtue of its public amenity value, suitability for its setting, and the old age/veteran tree characteristics.

1.4 Photographs of the tree are included in **Annex C**.

1.5 Following consultation with the Chair of the Planning and Licensing Committee and the local Ward Members, the TPO was served on 07/03/2022.

1.6 Under the provisions of the legislation the TPO takes effect immediately but must be confirmed by the Council within six months if it is to take permanent effect. Prior to confirming a TPO, the Council must thoroughly consider any objections and/or representations that have been made.

2. MAIN POINTS

2.1 There were 4 representations received objecting to the Section 211 Notification (22/00291/TCONR) to fell the tree. The comments objecting to the removal of the tree can be summarised as:

- The potential loss of an attractive tree in a Conservation Area.
- The surrounding area has very few trees and is becoming urbanised.
- The loss of a tree of heritage value.

2.2 The Parish Council did not object to the Section 211 Notification (22/00291/TCONR) to fell the tree.

2.3 1 letter of objection to the making of the TPO has been received (**Annex D**). The objection comments can be summarised as:



- Tree branches and roots causing damage to stone wall.
- The tree is leaning dangerously.
- The tree is a risk to pedestrians using the adjacent pathway.
- Concern about the tree disrupting overhead power lines.
- Overshadowing and light loss in the garden.
- The tree and fruit is diseased.
- The Parish Council has no objections to the Notice to remove the tree.

2.4 Officers response to Objections

- In accordance with Government guidance a TPO was served in the first instance to offer immediate protection to the tree.
- Evidence regarding damage to the wall was not apparent; no structural assessment of the condition of the wall has been submitted.
- Assessment and inspection could find no significant physiological or structural defects with the tree.
- The tree has undergone periodic pruning in the past to ensure it does not interfere with overhead services.
- The making and confirmation of the TPO does not prevent applications for works in the future, and these are likely to be granted consent, if the reasoning for the works are appropriate.
- Being located towards the end of the garden and being a relatively small tree, the overshadowing and light loss issue is not significant when weighed against the public amenity value the tree provides.
- The tree is an aged apple tree, and its setting within the garden of a traditional cottage is in keeping with, and enhances, the Conservation Area.

3. CONCLUSIONS

- 3.1 Assessment of the tree, and public objections to the proposed felling of this tree indicates it is expedient to confirm the TPO.

4. FINANCIAL IMPLICATIONS

- 4.1 None.

5. LEGAL IMPLICATIONS

- 5.1 The TPO is a legally binding document.



6. RISK ASSESSMENT

6.1 No risks identified.

7. EQUALITIES IMPACT

7.1 None.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

8.1 The retention of old trees has both climate mitigation and ecological benefits.

9. ALTERNATIVE OPTIONS

9.1 To not confirm the TPO.

10. BACKGROUND PAPERS

10.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

None

(END)