



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE – 9 th August 2023
Subject	TREE PRESERVATION ORDER – 23/00003/IND
Wards affected	Coln Valley
Accountable member	Cllr David Fowles Email: David.Fowles@cotswold.gov.uk
Accountable officer	James Tyson - Tree Officer James.Tyson@Cotswold.gov.uk
Summary/Purpose	To consider objection and support to the making of a Tree Preservation Order in respect of a tree at Swan House Ditch Lane Winson Cirencester Gloucestershire GL7 5ER
Annexes	Annex A – Tree Preservation Order 23/00003/IND (Plan & Schedule) Annex B – Cotswold District Council Tree Preservation Order Appraisal Form Annex C – Photographs of the tree Annex D – Objection letters to the making of the TPO
Recommendation(s)	<i>To confirm the creation of the Tree Preservation Order (TPO)</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.



I. BACKGROUND

I.1 A Section 211 Notification to remove a Yew tree in the Winson Conservation Area at Swan House, Ditch Lane, Winson, Cirencester, Glos GL7 5ER was received by the Council on 26.04.23 and given the reference 23/01406/TCONR.

I.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**.

I.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.

I.4 Photographs of the tree are included in **Annex C**.

I.5 Following consultation with the Chair of the Planning and Licensing Committee and the local Ward Members, the TPO was served on 06.06.2023.

I.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 2 letters of objection to the making of the TPO has been received (**Annex D**). The objection comments can be summarised as:

- The Yew is in close proximity of the building and concerns that the location is undermining the outbuilding.
- Swan House has undergone major conservation work at the back of the property and the Yew is within 4 metres of this work carried out. The concerns are any damage to further conservation work in the future as the house is a listed building.
- 21 trees have been planted on site
- Objector claims tree not really visible from Ditch Lane



2.2 Officer Response to Objections

- In accordance with Government guidance a TPO was served in the first instance to offer immediate protection to the tree.
- The tree is visible from Ditch Lane.
- The tree exhibits veteran features.
- Evidence regarding damage to the outbuilding was not apparent; no structural assessment of the condition of the building 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 manage its size. Yew respond well to pruning. Crown reduction is a typical form of management used where trees have the potential to outgrow their space.
- 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.
- The tree being an aged Yew tree, and its setting within the garden of a traditional large Cotswold house 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.



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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)