

Work to Trees with a Preservation Order

NOTICE OF SPLIT DECISION

Nick Shaw
2A Cypress Road
Barrow Upon Soar
Leicestershire
LE12 8WA



Charnwood Borough Council
Development Management, Southfield Road,
Loughborough, Leicestershire, LE11 2TN

Details of Application

APPLICATION NO: P/21/0657/2
PROPOSAL: 2 x holly and 1x sycamore. Crown reduction of holly 2m and crown reduction for holly tree by 1.5m;
LOCATION: Crown reduction to sycamore by 4.5m
APPLICANT: 2A Cypress Road, Barrow Upon Soar, Leicestershire, LE12 8WA
Nick Shaw

Details of Decision Please Read All the Information in this Decision Notice.

Charnwood Borough Council has considered this application under the Town and Country Planning Act, 1990 and refuses consent to carry out works to the trees identified in **Decision 1** and grants consent for the works identified in **Decision 2**.

The works are as described in the submitted documents and on any accompanying plans and drawings.

Decision 1 Refuse

1	<p>The proposed works to the sycamore namely, to crown reduce by 4m would have a detrimental effect on the appearance of the tree which makes a significant contribution to the appearance and character of the area.</p> <p>The reason is because the local planning authority is not satisfied that there are any reasons for the works that are sufficient to over-ride the beneficial impact that the tree has on the character of the area that would otherwise be seriously reduced.</p>
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Decision 2 Grant Consent

1 The works hereby granted consent include the following:-

Lesser works to crown reduce sycamore topically by 3m only; and to crown reduce and reshape the 2 holly by no more than 2m, shall be carried out in accordance with British Standard Recommendations for Tree work - BS 3998:2010
REASON: To make sure that the works are carried out in a way which safeguards the health and amenity of each tree.

The following notes should be taken into account when carrying out the development:-

1. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended), therefore should nesting birds be present in the trees subject to the consent, work should be deferred until the young birds have fledged. The nesting bird period is

considered to take place between March to August inclusive, but may start earlier and extend later. For advice, please contact Charnwood Borough Council's Senior Ecologist on 01509 634729.

2. All bats species and their roosts are legally protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Should bats be found prior to or during the course of tree work, work should immediately stop and advice from Natural England should be obtained and fully implemented before work can resume. Natural England's Batline can be contacted on 01509 672772.



Richard Bennett
Head of Planning and Regeneration

02 August 2021

NOTES: P/21/0657/2

An appeal against a Council's decision may be brought against any of the following:

- the council's refusal of consent;
- any condition attached to the council's consent;
- any article 5 certificate issued by the council on refusing consent or granting consent subject to specified conditions;
- any replanting direction issued by the council on granting consent to fell any part of a woodland;
- the council's refusal/failure to notify the applicant of their decision within 8 weeks from the date they received the application, (in these circumstances the application is deemed to have been refused.
- The council's failure to agree a matter that required their agreement under the terms of a condition of consent. An appeal can only be made on this ground where the TPO was made on or after the 2nd August 1999.

Appeals to be sent to the Secretary of State for Communities and Local Government (SoSCLG). You must appeal within 28 days of the date of this notice, using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN. Telephone: 0303 444 5000, website: <https://www.gov.uk/planning-inspectorate>

The SoSCLG can allow a longer period for making an appeal, but he will not normally do so unless there are special circumstances to justify any delay.

Compensation

Anyone who suffers loss or damage as a result of any grant of consent, subject to conditions may be entitled to recover from the Council compensation in respect of such a loss or damage. Any claim must be served on the Council in writing within 12 months of the decision of the Council or of the Secretary of State on appeal. A claim will be considered only if the Council has not certified:

- (a) that the condition is in the interests of good forestry, or
- (b) in the case of tree(s) other than trees comprised in woodlands, that the tree(s) has/have an outstanding or special amenity value.

Penalties

Anyone who, in contravention of a tree preservation order:

- (a) cuts down, uproots or willfully destroys a tree, or
- (b) willfully damages, tops or lops a tree in such a manner as to be likely to destroy it may be guilty of an offence.

Anyone found guilty of an offence shall be liable to a fine, which may be substantial.

Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981. Therefore, should birds or bats be present in the trees concerned, felling/surgery should be deferred until late Summer/Autumn. For advice, please contact our Conservation and Landscape Team on 01509 634729 or Email: biodiversity@charnwood.gov.uk

Notes on TPO Split decision 0212