

BLABY DISTRICT COUNCIL

Meeting:	Development Control Committee
Date:	19 July 2007
Subject:	Tree Preservation Order at 4, 6 and 8 Glenville Avenue, Glenfield
Report of:	Head of Planning & Environmental Health Services
Status:	Public

1. Purpose of the Report

- 1.1 The purpose of the report is to consider whether to confirm the Tree Preservation Order (TPO) made on 12 February 2007 for four trees, a hornbeam, a beech, a horse chestnut and a lime tree, at 4, 6 and 8 Glenville Avenue, Glenfield.

2. <u>Recommendation</u>
2.1 That the Tree Preservation Order made on the four trees, marked T1, T2, T3 and T4 on the map attached at Appendix 2, situated at 4, 6 and 8 Glenville Avenue, Glenfield, be confirmed.
3. <u>Reason for Recommendation</u>
3.1 The objector has not put forward any arboricultural or amenity reasons for opposing confirmation of the Tree Preservation Order. It is thus considered that the Tree Preservation Order should be confirmed.

4. Forward Plan

- 4.1 Not applicable.

5. Key Decision

- 5.1 Not applicable.

6. Matters for Consideration

- 6.1 On 9 August 2006, an Area TPO was made by the Head of Planning and Environmental Health Services under delegated powers on trees on or surrounding the site of planning application 06/0530/1/OX for the proposed erection of 29 no. retirement dwellings, formation of access from Station Road and erection of replacement garage for 101 Station Road (in connection with creation of new access). The TPO was known as The Blaby District Council (on areas of land to the rear of

Station Road, Glenville Avenue, Oakfield Avenue and Leicester Road, Glenfield) Tree Preservation Order 2006. A copy of the Map and First Schedule of the TPO are attached at Appendix 1. Planning application 06/0530/1/OX was refused on 17 August 2006 for a number of reasons, including one which stated that “the development, if permitted, would result in adverse impact upon trees which are subject to a Tree Preservation Order due to their visual importance within the surrounding area. As such the proposal would be contrary to Policy CE21 of the Blaby District Local Plan.”

- 6.2 One letter of objection was received to the making of the TPO and a detailed survey of the trees on or adjoining the land which was the subject of the planning application for development that had prompted the making of the TPO was submitted. This led to the conclusion that some of the trees on or adjoining the land did not justify protection by a TPO. The decision was therefore taken not to confirm the Area TPO but to make two new TPOs specifying individual trees to be protected.
- 6.3 The two new TPOs were made under the delegated powers of the Head of Planning and Environmental Health Services on 12 February 2007. They specified four individual trees to be protected at 4, 6 and 8 Glenville Avenue, Glenfield and two individual trees to be protected at 25 and 27 Oakfield Avenue, Glenfield. In the meanwhile, a revised scheme for the erection of 24 retirement dwellings, formation of access from Station Road and erection of replacement garage for 101 Station Road, Glenfield, was submitted on 17 November 2006. The scheme took account of the protected trees and was approved on 22 June 2007. One letter of objection was received in relation to the TPO at 4, 6 and 8 Glenville Avenue, which is the subject of this report. No objections were received in relation to the TPO at 25 and 27 Oakfield Avenue and this TPO has therefore been confirmed under delegated powers.
- 6.4 A copy of the Map and First Schedule of the TPO at 4, 6 and 8 Glenville Avenue is attached as Appendix 2. Four trees are affected by the TPO; a hornbeam at 8 Glenville Avenue (T1 on the map); a beech and a horse chestnut at 6 Glenville Avenue (T2 and T3 on the map) and a lime tree at 4 Glenville Avenue (T4 on the map).
- 6.5 One letter of objection to the making of the TPO was received from the owner and/or occupier of 4 Glenville Avenue. A copy of the letter is attached at Appendix 3. It relates to the two trees at the bottom of the garden of 4 Glenville Avenue. One, a sycamore, is not covered by the TPO. The second, a lime, is protected.

- 6.6 The County Council's Forestry and Arboricultural Officer was asked to comment on the letter of objection and a copy of his response is attached at Appendix 4. The advice received identifies 2 minor issues, but his conclusion is that neither problem is a serious structural defect. He thinks that his discussion with the objector on site has set her mind at rest about safety. He concludes that the TPO should be confirmed.
- 6.7 In considering whether to confirm the TPO, Government guidance contained in "Tree Preservation Orders: A Guide to the Law and Good Practice – March 2000" indicates that, in deciding whether to confirm a TPO, the Local Planning Authority should consider any objections and representations that have been made. It may then confirm the TPO without modification, or subject to such modifications as they consider expedient or may decide not to confirm the TPO.
- 6.8 The objector has not put forward any arboricultural or amenity reasons for opposing confirmation of the TPO. It is thus considered that the TPO should be confirmed.

7. Other Options Considered

- 7.1 That the Tree Preservation Order not be confirmed. This option is not recommended for the reasons given in this report.

8. Appropriate Consultations

- 8.1 No consultations necessary.

9. Financial and Asset Implications

- 9.1 None in relation to this report.

10. List of Background Papers

- 10.1 Background papers are contained in files:

- Blaby District Council (on areas of land to the rear of Station Road, Glenville Avenue, Oakfield Avenue and Leicester Road, Glenfield) Tree Preservation Order 2006;
- Blaby District Council (4, 6 and 8 Glenville Avenue, Glenfield) Tree Preservation Order 2007;
- Blaby District Council (25 and 27 Oakfield Avenue, Glenfield) Tree Preservation Order 2007;
- Planning applications 06/0530/1/OX and 06/1053/1/OX.

The following Officer(s) have been consulted:

Head of Paid Service:

Section 151 Officer:

Monitoring Officer: ✓

Portfolio Holder:

5 July 2007

P M Clarke
Head of Planning & Environmental Health Services