

**APPEALS AND REVIEWS COMMITTEE
9TH JULY 2018**

Report of the Head of Strategic Support

ITEM 5 BOROUGH OF CHARNWOOD (QUORN HOUSE, MEETING STREET, QUORN) TREE PRESERVATION ORDER 2018

The Council's Head of Planning and Regeneration decided that it would be appropriate to make the above Tree Preservation Order, to protect trees in the grounds of Quorn House.

The decision followed unauthorised tree works being carried out to a substantial number of trees along the long entrance drive to Quorn House, while a Conservation Area Notice for tree works (P/17/1868/2) was pending. The works were substandard, being not in accordance with best practice for arboriculture as set out in the British Standard BS 3998:2010.

The Order would ensure that the trees, which make a significant contribution to the visual amenity of the area, were properly protected and retained in a satisfactory manner.

Therefore, an Order was made on 9th February 2018 to provisionally protect the trees.

A copy of the Order is attached at **Annex 1**.

An objection to the Order was subsequently received from the agent acting on behalf of the site owner, a copy of which is attached at **Annex 2**.

The Head of Planning and Regeneration's comments on the issues raised in the objection are attached at **Annex 3**.

In conclusion, the Committee is asked to consider the issues raised by the objectors and the comments of the Head of Planning and Regeneration in accordance with the procedure set out and determine whether or not the Tree Preservation Order should be confirmed.

Officer to contact: Nadia Ansari
Democratic Services Officer
01509 634502
nadia.ansari@charnwood.gov.uk

Town and Country Planning Act 1990
The Borough of Charnwood (Quorn House, Meeting Street, Quorn)
Tree Preservation Order 2018

The Charnwood Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order:

Citation

1. This Order may be cited as The Borough of Charnwood (Quorn House, Meeting Street, Quorn) Tree Preservation Order 2018.

Interpretation

2. (1) In this Order “the authority” means the Charnwood Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this ninth day of February 2018

The Common Seal of the Charnwood Borough Council
was affixed to this Order in the presence of:





17/18/138

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Horse Chestnut	Located between the gate house and the river- the Buddon Brook, by the access bridge.

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
A1 A2 A3 A4 A5 A6 A7	All the trees, of whatever species, within the areas marked A1-A7 comprising mainly of beech, copper beech, horse chestnut, sycamore, Norway spruce, larch, wellingtonia, lime, pedunculate oak and ash. The understory is made up of cherry laurel, yew, holly, elder, wych elm and rhododendron; and any other species.	Land to east of Meeting Street and Buddon Brook associated with Quorn House.
A8	All trees within area comprising mainly of crack willow, alder and other species.	Area east of the pond.

Groups of trees (within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	None	

Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
	None	

I certify that this map shows all the trees referred to in the first schedule of the Borough of Charnwood (Quorn House, Meeting street, Quorn) Tree Preservation Order) 2018
 Authorised Signatory



Borough of Charnwood (Quorn House, Meeting Street, Quorn) Tree Preservation Order 2018

Licence No. 100023558 Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationary Office, Crown Copyright Reserved.

R Bennett Dip.TP.MRTPI
 Head of Planning & Regeneration
 Borough of Charnwood
 Southfields
 Loughborough
 Leics LE112TN
 Date: 7 Feb 2018
 Scale: 1:1250 (as exported from GIS)
 Prep: NOD

Our Ref: M306/JI/HIS

Your Ref:

09 March 2018

FAO: Laura Strong
Democratic Service
Charnwood Borough Council
Southfield Road
Loughborough
Leicestershire
LE11 2TX



Fisher German LLP
The Estates Office
Norman Court
Ashby de la Zouch
LE65 2UZ

Tel: 01530 412821

Email: ashby@fishergerman.co.uk
www.fishergerman.co.uk

Sent by Email

Dear Laura

TARMAC AGGREGATES LIMITED – QUORN HOUSE – TREE PRESERVATION ORDER 2018 - OBJECTION

I write further to my email on Wednesday 7th March 2018 and your letter of Friday 9th February 2018 regarding the Tree Preservation Order (TPO).

Following your request within the letter for objections or comments, I have consulted with Tarmac, for whom we act as property management agents, and they would like to remark as follows:

- Tarmac object to the TPO Notice in the form it is currently drafted.
- The woodland management at Quorn House needs respect both the historic importance of the traditional 'parkland woodland' as part of the wider setting of the house, but be balanced alongside responsible biodiversity management and also the control of invasive species.
- If the TPO was to be put in place as drafted Tarmac have concerns over the inclusion of shrubs, especially invasive rhododendron, as this is likely to require constant management and would prove onerous in relation to the maintenance regime of such shrubs.
- Tarmac requires the ability to manage the understorey at Quorn House particularly at the entrance and along the access road to ensure safe passage for employees and would request this is excluded from the TPO Notice.
- Tarmac would like to see a more specific approach taken, rather than blanket coverage, whereby individual trees are recorded and given individual protections, appropriate to their age, condition and species.
- As discussed previously, Tarmac are in the process of putting together a detailed management plan which can in turn be shared with Charnwood Borough Council.

I trust that the above is acceptable and look forward to hearing from you with any questions you may have.



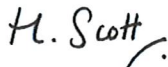
Fisher German LLP is a limited liability partnership. Registered in England and Wales, Registered Number: OC317554. Registered Office: 40 High Street, Market Harborough, Leicestershire LE16 7NX. A list of members' names is available for inspection at the Market Harborough office.

Regulated by RICS.



Kind regards.

Yours sincerely



HELEN SCOTT MRICS FAAV

for and on behalf of Fisher German LLP

Direct Dial: 01530 410685

Email: helen.scott@fishergerman.co.uk

Cc: Lisa Pickford (Tarmac), Andy McIntosh (Tarmac), Nola O'Donnell

REPORT OF THE HEAD OF PLANNING AND REGENERATION

APPEALS AND REVIEW COMMITTEE 9 July 2018

Provisional Tree Preservation Order – Quorn House Meeting Street Quorn

1.0 Introduction

1.1 Background

In October 2017 the Council received a Conservation Area Notification (CAN) P/17/ to undertake works to various trees along the access drive of Quorn House. Prior to the expiry date of the CAN, I visited the site to inform my recommendation process. I found that substantial unauthorised works had been carried out to trees, as well as to understory vegetation which met the trigger diameter measure for protection under Conservation Area designation.

To ensure the trees, which make a significant contribution to the visual amenity of the area, are properly protected and retained in a satisfactory manner. The immediate protection afforded by a provisional order was considered appropriate due to the carrying out of unauthorised tree works which were substandard and damaging while Conservation Area Notice P/17/1868/2 was pending.

I recommended making a TPO and subsequently a Provisional Tree Preservation Order was served on the 9 February 2018 to allow the immediate protection of the trees at the property. The Order is considered an appropriate mechanism to prevent tree works which would significantly adversely impact the aesthetics of the trees.

1.2 The Site

The site is a 127 acre estate for Quorn House, is a substantial country house, grade II listed, constructed 1820 with later additions and alterations set in its own grounds on the banks of the Buddon Brook, a tributary of the Soar River. The estate has been the seat of the Farnham family since 1260. The grounds sit within the Quorn Conservation Area comprising of plantation woodland, ponds gardens and lawns. The woodland is stocked predominantly with non-native trees such as beech, copper beech, horse chestnut, sycamore, Norway spruce, larch, wellingtonia, and some native species such as lime, pedunculate oak and ash. The understory is made up of cherry laurel, yew, holly, elder, wych elm and rhododendron. The ponds are man-made and notified as a Local Wildlife Site dominated by wet woodland of crack will and alder.

1.3 Condition of the tree

The aesthetic value and the public amenity value of the area of trees are high. It provides substantial amenity value to the Conservation Area of Quorn.

2.0 The Objections to the Order

Objection - Fisher German on behalf of Tarmac Aggregates Ltd dated 9 March 2018

1. Object to TPO in current form.
2. Cite the “historic importance of the traditional parkland woodland” and the need to balance “alongside responsible biodiversity management and control on invasive species”.
3. Specific reference to historic understorey species *Rhododendron* (which is now a DEFRA Scheduled 9 species).
4. Request the omission of *Rhododendron* from the species listed in the TPO schedule which is regarded by Tarmac as ‘onerous’.
5. Cites desire to manage understorey at entrance and along access road to ensure safe passage for employees and request that the understory be excluded from the TPO notice.
6. Put forth a more specific approach instead of ‘blanket coverage’.
7. State that Tarmac are in process of putting together a detailed management plan.

No other representations have been made in relation to the Order.

3.0 Response to the Objections

1. The objection to the TPO in current form is noted as not an objection to the principle but to specific details. It is agreed that the TPO can be modified.
2. Citation of the “historic importance of the traditional parkland woodland” and the need to balance “alongside responsible biodiversity management and control on invasive species” is noted.
3. It is agreed that as *Rhododendron ponticum* (which are on the Wildlife and Countryside Act 1981 - Schedule 9) could be omitted in the interests biodiversity.
4. As stated above, the request for the omission of *Rhododendron* from the species listed in the TPO schedule is agreed. Ideally it should be replaced with a suitable native woodland understory mix including *inter alia* hazel, hawthorn and holly. Tarmac in their point 7 state that they are in process of drawing up a management plan. My recommendation is that this includes for phased replacement of *Rhododendron* with Hazel holly and hawthorn.
5. I disagree to the request to exclude of the understory vegetation which includes trees. The plant community within the Provisional TPO areas is technically woodland not parkland. The UK government’s guidance on creating TPO’s states “*The area category is one way of protecting individual trees dispersed over an area. Authorities may either protect all trees within an*

area defined on the Order's map or only those species which it is expedient to protect in the interests of amenity." In the absence of a detailed tree survey and management plan this is the most appropriate category. The Order will protect only those trees standing at the time it was made. This can be revised at a later date but failure to confirm the TPO with modification now could result in adverse impacts on the tree community which includes upper story and understory trees.

6. The use of individual, group or woodland TPO categories would in fact be more onerous. My recommendation is that when tarmac have recorded their trees and their woodland management plan the TPO could be revised accordingly.
7. No management plan received yet from Tarmac or their agents.

4.0 Conclusion

Removing the Order could leave the tree unprotected and open to being adversely managed, to the long term detriment of the trees with potential adverse impacts the landscape character of Quorn and the woodland setting of Quorn House

It is noted that the objector is not objecting to the principle of the TPO but to its specific provisions. The issues cited in the objections have been addressed in my response above.

The Committee is therefore recommended to confirm the Order with modification to the schedule to omit Rhododendron (see revised schedule attached).

Contact Officer:

Nola O'Donnell MAgrSc Dip (hons) LA CMLI
Senior Landscape Officer
Tel: 01509 634766
trees@charnwood.gov.uk

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Horse Chestnut	Located between the gate house and the river- the Buddon Brook, by the access bridge.

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
A1 A2 A3 A4 A5 A6 A7	All the trees, of whatever species, within the areas marked A1-A7 comprising mainly of beech, copper beech, horse chestnut, sycamore, Norway spruce, larch, wellingtonia, lime, pedunculate oak and ash. The understory is made up of cherry laurel, yew, holly, elder, wych elm and rhododendron; and any other species. Species of the understory layer include <i>inter alia</i> yew, cherry laurel, holly, elder, hazel, wych elm; and any other species. Species present but <u>excluded</u> from the Order are <i>Rhododendron ponticum</i> and hybrids such as <i>R.ponticum</i> x <i>R. maxima</i> .	Land to east of Meeting Street and Buddon Brook associated with Quorn House.
A8	All trees within area comprising mainly of crack willow, alder and other species.	Area east of the pond.

Groups of trees (within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	None	

Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
	None	