



URGENT BUSINESS

South Planning Committee

Thursday 5 October 2023

Agenda Item Number	Page	Title	Report Author	Reason for delayed publication
12.	(Pages 3 - 8)	Urgent Business Bosworth House, Oxenden Road, Aringworth – 2023/5580/TPO	Planning Policy and Specialist Services Team Leader	Application granted under delegated powers in error and therefore requires referral to Committee

If you require any further information about this agenda please contact Richard Woods, Democratic Services via the following:

Tel: 01327 322043

Email: democraticservices@westnorthants.gov.uk

Or by writing to:

West Northamptonshire Council
The Forum
Moat Lane
Towcester
NN12 6AD

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Planning Committee Report

Application Number: 2023/5580/TPO

Location: Bosworth House, Oxendon Road, Arthingworth, LE16 8LA

Development: Wellingtonia in front of the house- Clear dead wood, reshape- two branches are growing sideways and unbalancing the tree, lift the crown -bottom branches to 1.50/1.80m

Applicant: Mr Charles Irving-Swift

Agent: Mr Charles Irving-Swift

Case Officer: Michael Venton

Ward: Brixworth Ward

Reason for Referral: Permission for works to a tree protected by a Tree Preservation Order owned by a Member of the Council or someone who is closely connected to a Member of the Council has been granted by delegated powers incorrectly. The Constitution requires that where a Member or their agent submits an application in a personal capacity it shall always be considered by a Planning Committee. It goes on to state that an application submitted by a Member shall be dealt with by the Planning Committee other than the committee to which the application relates.

Committee Date: 5 October 2023

RECOMMENDATION

RECOMMENDATION: THAT THIS COMMITTEE REPORT AND THE DECISION BE NOTED.

MAIN REPORT

1 APPLICATION

- 1.1 On 14th June 2023, the Council received an application for works to a Wellingtonia tree in the curtilage of the house where Councillor Cecile Irving-Swift lives. In accordance with the Constitution, Councillor Irving-Swift notified the Assistant Director – Planning and Development prior to the submission of this application.
- 1.2 The tree in question is a Sequoia (Giant Redwood or Wellingtonia) subject to a tree preservation order (TPO DA 342). The application covers the removal of deadwood, which is good for maintenance of the tree but does not need to be applied for. The application also includes a crown raise, which will facilitate better access for

maintenance and grass cutting, and the removal of two branches which, because of the way they have grown, could endanger the long-term health of the tree if they were to break off. The proposals complied with good arboricultural practice and were approved accordingly.

- 1.3 In the Council's Constitution, the Planning Protocol requires that where a Member or their agent submits an application in a personal capacity it shall always be considered by a Planning Committee. It goes on to state that an application submitted by a Member shall be dealt with by the Planning Committee other than the committee to which the application relates.
 - 1.4 Incorrectly, permission was granted under delegated powers for the proposed works to take place. The application has been determined and a decision issued which is now in force.
 - 1.5 In order to complete the protocol, this matter needs to be reported to South Planning Committee for noting. A copy of the decision notice dated 8th September 2023 is appended to this report for information. It is understood that the works to the Wellingtonia tree are proposed to take place on Tuesday 10th October.
 - 1.6 The Council's Planning Service has been subject to an independent review by the Planning Advisory Service and significant progress is being made in implementing their recommendations to improve planning service delivery. In addition a major restructuring of the Planning Service is underway and accompanying this various process reviews are occurring. These actions should ensure that the necessary staff, processes and protocols are in place to significantly reduce the likelihood of such errors occurring in the future.
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**West
Northamptonshire
Council**

Notice of Decision

**Town and Country Planning Act 1990
Town and Country Planning (Tree Preservation) (England)
Regulations 2012
Approval of Works to Trees (Preservation Order)**

To: Mr Charles Irving-Swift Bosworth House Oxendon Road Arthingworth Northamptonshire LE16 8LA	Application No: 2023/5580/TPO
	Application Date: 14 June 2023
	Date of Decision: 8 September 2023

WEST NORTHAMPTONSHIRE COUNCIL, in pursuance of powers under the above mentioned Act, hereby PERMIT:

Wellingtonia in front of the house- Clear dead wood, reshape- two branches are growing sideways and unbalancing the tree, lift the crown -bottom branches to 1.50/1.80m
at Bosworth House, Oxendon Road, Arthingworth, LE16 8LA

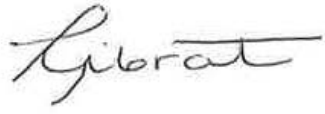
In accordance with the accompanying plans and particulars and subject to the conditions specified hereunder:

1. Before any pruning work is carried out, the work shall be agreed on site between the appointed tree surgeon and the Local Planning Authority. The work shall thereafter be carried out in accordance with the details agreed on site and as confirmed in writing by the Local Planning Authority. The works shall not involve any reduction in height of the tree or any pollarding.

Reason: To ensure that the tree surgeon is fully aware of the extent of lopping granted consent.

2. All tree works shall be carried out in accordance with British Standard 3998: Recommendations for Tree Works and undertaken by suitably qualified and insured arboricultural contractors.

Reason: In the interests of good arboricultural practice.



Stephanie Gibrat - Assistant Director of Planning

Checked by:	R Bates
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NOTES TO APPLICANTS :

- An applicant who suffers any loss or damage as a result of the Council's decision to refuse consent or to grant consent subject to conditions may be entitled to recover compensation from the Council. Advice can be found at:
<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#Compensating-for-loss-or-damage>
- Claims must be made within 12 months of the date of this decision (or, where an appeal has been made to the Secretary of State against the decision of the Council, within 12 months of the date of their decision). Claims must be made in writing and served on Development Manager, The Guildhall, St Giles Square, Northampton, NN1 1DE.
- Where an application is made to the Council under the order and that consent is refused or is granted subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application or by any such certificate, or the person directed if he is aggrieved by the direction, may appeal. Appeals can be made online at:
<https://www.gov.uk/planning-inspectorate>
- If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

Notice must be given in writing within 28 days of receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

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