

Report To:	PLANNING COMMITTEE	Date:	14 November 2018
Heading:	TREE PRESERVATION ORDER – 64 PLAINSPOT ROAD, UNDERWOOD		
Portfolio Holder:	DEPUTY LEADER – PLACE AND ECONOMIC GROWTH		
Ward/s:	UNDERWOOD		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose Of Report:

To advise Members of one objection received in response to the making of a Tree Preservation Order at 64 Plainspot Road, Underwood, NG16 5BS

Recommendation(s):

Having considered and notwithstanding the objection, the Council proceeds to confirm the Tree Preservation Order without modification, on terms outlined in the report.

Reasons for Recommendation(s):

The Tree Preservation Order is in respect of one Scots Pine and one Silver Birch to the front of 64 Plainspot, Underwood, NG16 5BS. The trees in question are considered to contribute to the visual amenity of the street scene, and their removal would be detrimental to the character of the area. Both trees are adjacent to the public highway of Plainspot Road, Underwood. The trees have been inspected by a fully qualified arboriculturist and both trees have been considered worthy of TPO status due to their sound health and structural stability.

The removal of, or further uneven pruning works to the trees in question, would severely reduce the visual amenity benefit that the trees currently provide. The two trees were heavily pruned on one side before the provisional Order was placed, and therefore the permanent placement of the Order will allow regulated pruning and management of the tree to help maintain the trees visual appearance. If the trees are not protected there is no other statutory control other than the issuing of a felling licence by the Forestry Commission that could limit or control the removal of the trees in question.

It is considered that the placing of a Tree Preservation Order on both trees is in the interests of public amenity.

Alternative Options Considered (With Reasons Why Not Adopted):

- A) To confirm the Tree Preservation Order subject to modifications.
- B) To refuse to confirm the Tree Preservation Order.

The alternative options above are not recommended as they would not adequately protect the trees and the visual amenity value within the area. Both trees recommended for protection make a contribution to the amenity of Plainspot Road and the wider area.

Detailed Information:

On the 20th September 2018, a formal notice was provided to interested parties advising them that the Council had made a Tree Preservation Order in respect of one Scots Pine and one Silver Birch at 64 Plainspot, Underwood, NG16 5BS.

The Legal power to make a Tree Preservation Order is drawn from the Town and Country Planning Act 1990, and in particular section 198(1) of the Act which states:

'If it appears to a Local Planning Authority that it is expedient in the interest of amenity to make a provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order'.

Amenity:

Both trees are prominent in siting to the front of the property and are clearly visible from the street scene along Plainspot Road. As a result, the trees are considered to have a high amenity value as they are a positive feature within the street scene and the wider surrounding area.

Letter of Objection:

The Council received one letter of objection from a neighbouring property in relation to the Tree Preservation Order being placed, and the concerns raised are as follows:

- The trees are too big (40 feet high) for such a small garden and are too close to their property.
- The trees create significant mess for the objector and neighbouring properties including falling branches, leaves and seeds.
- The roots of the trees are lifting their driveway and public causeway.
- The leaves block drains and gutters of the objectors property. This incurs a financial cost.
- The trees block light to the front of the property, in particular the living room. Loss of light causes algae and moss to grow and causes a potential slipping hazard.
- Branches from the trees overhang their boundary, causing debris to frequently fall on their driveway.
- During spring and summer months seeds fall into their property when windows and doors are left open. This really affects home living of the objector.
- The owner of the trees will only trim them on their side of their property.

- No other trees of the same species have been proposed for protection.
- The trees are not of high visual amenity value.
- Cleaning the driveway incurs high financial cost.
- Future owners of the site where the trees are located may not want these trees protected.
- Scots Pines are forest trees and not suitable for residential areas.

Officers Comments:

Several of the reasons for objecting to the protection of the two trees relate to day-to-day up keep of the trees that would be necessary regardless of statutory protection of the trees. For example, the collection of leaves, seed cases and other detritus from trees on the driveway of 64 Plainspot Road is an unavoidable part of living in the close proximity of trees. Such a nuisance caused by living nearby these trees does not outweigh the positive impact provided to the street scene and therefore it is considered this does not warrant refusal for the protection such trees.

Furthermore there has been a lack of technical evidence submitted by the objector for damage caused or financial costs incurred. The photographs that were submitted do not clearly indicate any root damage to the pedestrian walkway of Plainspot Road. The Councils tree officer has advised if damage can be proven to have occurred this matter can be handled through the submission of a TPO application to allow limited root pruning to overcome any areas of concern. A TPO application for any works would be free of financial cost to the applicant and this could be an alternative option for the objector.

The trees do provide some shade to the front of the property however, they are approximately a minimum of 15m from the front elevation of 64 Plainspot Road. Such a separation distance does not cause an excessive amount of shadowing which would be significantly detrimental to the residential amenity of 64 Plainspot Road.

It was observed by the Councils tree officer after completing a site visit that both trees were heavily pruned up to the objector's boundary before the placement of the provisional TPO. Whether the trees in question were afforded statutory protection or not, the relationship between neighbours is not a consideration in the placement of a TPO and is a civil matter.

Considering the above, it is in the opinion of the Local Planning Authority that both trees, due to their large size and prominent location offering high visual amenity value, warrant protection under a TPO.

Options available to the Committee:

Members are reminded that they must properly consider the above issues before coming to a fully reasoned conclusion as to whether to:

- 1) Confirm the Tree Preservation Order as drafted; or
- 2) To refuse to confirm the Tree Preservation Order; or
- 3) To confirm the Tree Preservation Order with modifications.

In doing so, Members must clearly give reasons as to why they have reached their decision.

Implications

Corporate Plan:

To support the Council's place aspirations by using TPO legislation to proactively ensure the ingredients for a good quality of life are in place and ensure attractive neighbourhoods are protected.

Legal:

Legal issues are identified in the report.

Finance:

No financial implications resulting from this report

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

N/A

Risk	Mitigation

Human Resources:

No implications

Equalities *(to be completed by the author):*

No implications.

Other Implications:

None.

Reason(s) for Urgency (if applicable):

None.

Background Papers

None.

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