

<b>Report To:</b>	<b>PLANNING COMMITTEE</b>
<b>Date:</b>	<b>1 JUNE 2022</b>
<b>Heading:</b>	<b>TREE PRESERVATION ORDER – 66 HIGH TOR, SKEGBY</b>
<b>Portfolio Holder:</b>	<b>COUNCILLOR MATTHEW RELF, REGENERATION AND PLANNING</b>
<b>Ward/s:</b>	<b>SKEGBY</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>NO</b>

## **Purpose of Report**

To advise Members of one objection received in response to the making of a Tree Preservation Order at 66 High Tor, Skegby, Sutton in Ashfield, NG17 3EX

## **Recommendation(s)**

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

## **Reasons for Recommendation(s)**

The trees in question are considered to contribute to the visual amenity of the surrounding area, and their removal would be detrimental to the character of the area. Being located in the rear garden of the address, the trees are visible from nearby houses within the immediate area and border the access that serves houses on Vicarage Court. The trees are of similar size and appearance to another group of trees on Vicarage Court, which currently benefit from Tree Preservation Orders.

The removal of, or uneven pruning works to the trees in question, would severely reduce the visual amenity benefit that they currently provide. The trees show signs of past tree works before the provisional Order was placed, and therefore the permanent placement of the Order will allow regulated pruning and management of the trees to help maintain their aesthetic appearance and future health. 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.

It is considered that the placing of a Tree Preservation Order on the 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.

## **Detailed Information**

### **Detailed Information:**

On the 11<sup>th</sup> January 2022, a formal notice was provided to interested parties advising them that the Council had made a Tree Preservation Order in respect of one mature Sycamore Tree and one mature Lime Tree at 66 High Tor, Skegby, Sutton in Ashfield, NG17 3EX.

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:**

The trees in question are visible from the primary access onto Vicarage Court and the surrounding houses. As a result of this, the trees are considered to have high amenity value as it they contribute positively to the character of the area alongside several similar trees which are already afforded protection by means of a Tree Preservation Order.

### **Letter of Objection:**

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

- The trees have required pruning from time to time to reduce the risk of them toppling onto neighbouring properties or their own.
- If tree works are not maintained, the trees could cause damage in the future.

### **Officers Response:**

The objector seems to indicate that the Tree Preservation Order will result in no future remedial works being undertaken to the trees in question. The purpose of a Preservation Order is not to prevent works to a tree, but to ensure that any proposed works can be

Carefully assessed that they are necessary and will not have a detrimental impact upon the tree's visual amenity value.

The trees in question would appear to be structurally sound and not in an immediate danger of topping over, and no further evidence has been provided to support the fact the trees have posed any risk. However, any perceived risk the trees may cause would be considered if a future application was submitted.

As with all trees, it is the owner's responsibility to maintain the ones they own and whether the current or any future owner(s) decide to apply for works is a civil matter and is immaterial in planning terms.

It cannot therefore be readily identified from the objection letter any reasonable objection to prevent the confirmation of the Tree Preservation Order.

**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:**

There are no specific legal implications arising directly from this report.

**Finance:**

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:**

Risk	Mitigation
N/A	N/A

**Human Resources:**

None

**Environmental/Sustainability**

No implications

**Equalities:**

No implications

**Other Implications:**

None

**Reason(s) for Urgency**

None

**Reason(s) for Exemption**

None

**Background Papers**

None

**Report Author and Contact Officer**

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