

<b>Report To:</b>	<b>PLANNING COMMITTEE</b>
<b>Date:</b>	<b>JULY 2022</b>
<b>Heading:</b>	<b>TREE PRESERVATION ORDER – CHESTERFIELD HOUSE, TITCHFIELD AVENUE, SUTTON IN ASHFIELD, NG17 1EU</b>
<b>Portfolio Holder:</b>	<b>DEPUTY LEADER – PLACE AND ECONOMIC GROWTH</b>
<b>Ward/s:</b>	<b>ST MARY'S</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 Chesterfield House, Titchfield Avenue, Sutton in Ashfield, NG17 1EU.

### **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 locality 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 streets and houses within the immediate area.

### **Alternative Options Considered**

- 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 their high visual amenity value within the conservation area.

## **Detailed Information**

### **Summary:**

On 5<sup>th</sup> April 2022, a formal notice was provided to interested parties advising them that the Council had made a Tree Preservation Order in respect of one Horse Chestnut Tree and five Lime Trees at Chesterfield House, Titchfield Avenue, Sutton in Ashfield, NG17 1EU.

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 surrounding roads, including Church Street, Titchfield Avenue, Brook Street and Church Hill. As a result of this, the trees are considered to have high amenity value as 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 a neighbouring property in relation to the Tree Preservation Order being placed, and the concerns raised are as follows:

- The trees overhang the boundary and present the risk of falling branches damaging property or worse
- Moss accumulation on rear roof from water dripping from branches, moss is causing roof tiles to crack
- Guttering must be consistently cleared of leaves and twigs
- The trees are damaging the wall and causing cracks to form – additional concern as the gardens are terraced and present significant land level differences
- Loss of light to home as the boundary wall already limits light and the tree canopies reduce it further
- The trees require regular maintenance and there is evidence of previous tree works to the trees in question, as well as other protected trees in the area – concern over lack of consistency from the Council in managing tree works

### **Officer's Response:**

The objection seems to imply 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 to ensure they are necessary and will not have a detrimental impact upon the tree's visual amenity value or health.

The trees in question would appear to be structurally sound and not in immediate danger of falling, 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.

Although there appears to be some movement in the wall as indicated by the objector's comment, it is not possible to say if or how the trees are implicated. Should a structural engineer examine the wall and make appropriate recommendations for dealing with the movement, this may have a bearing on the retention of the trees, but no evidence has been offered regarding this at this stage.

It is noted that the trees do overhang the adjoining boundary and appear to have done so for a number of years, given the nature of the canopy profiles. Limited lateral canopy reduction may be warranted, however this issue cannot be completely overcome without removing all lateral limbs of the trees.

It is the position of the trees and the section of the wall above ground level relative to the objector's property that contribute to these issues.

At no stage of the Trees in a Conservation Area notification or the Tree Preservation Order application process have any of these issues been brought forward as a reason to carry out the works.

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 components 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:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

**Risk:**

<b>Risk</b>	<b>Mitigation</b>
N/A	N/A

**Human Resources:**

None.

**Environmental/Sustainability**

No implications.

**Equalities:**

No implications.

**Other Implications:**

None.

**Reason(s) for Urgency**

N/A

**Reason(s) for Exemption**

N/A

## **Background Papers**

N/A

## **Report Author and Contact Officer**

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