

Report To:	PLANNING COMMITTEE	Date:	22.07.2020
Heading:	TREE PRESERVATION ORDER – COVERED RESERVOIR, ADJACENT TO 44 WHYBURN LANE, HUCKNALL		
Portfolio Holder:	DEPUTY LEADER – PLACE AND ECONOMIC GROWTH		
Ward/s:	HUCKNALL WEST		
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 the covered reservoir adjacent to 44 Whyburn Lane, Hucknall.

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 an area at the covered reservoir adjacent to 44 Whyburn Lane. The trees in question are considered to contribute to the visual amenity of the street scene and from numerous vantage points surrounding this area, and their removal would be detrimental to the character of the area. The trees have been inspected by a fully qualified arboriculturist and the 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. If the trees are not protected then there is no other statutory control other than the issuing of a felling license by the Forest Commission that could limit or control the removal of the trees in question.

It is considered that the placing of an area wide Tree Preservation order in this location 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; or
- 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. All trees recommended for protection make a contribution to the amenity of Whyburn Lane.

Detailed Information

On the 30th January 2020, a formal notice was provided to interested parties advising them the Council had made a Tree Preservation Order in respect of an area at the covered reservoir land adjacent 44 Whyburn Lane, Hucknall.

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

Trees located within this area are prominent in siting from numerous vantage points along the street scene of Whyburn Lane, Hucknall. 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 therefore affording great weight to the protection of these trees.

Letter of objection

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

- The trees in this location are stunted and are limited in offering any aesthetic improvement.
- The reduction in height of some of the trees along the perimeter so far has improved light to my property and visibility for dog walkers/cyclists along the unlit section of Whyburn Lane (south of the TPO).
- Works that have already been carried out have reduced the height of the trees which has improved the visual amenity of the site.

Officers Comments

The initial Tree Preservation Order, placed on 30th January, reflected the urgency to ensure public visual amenity value was safeguarded from opportunistic tree felling. The objection to the TPO seems to be based on the fact that the TPO will not allow for future appropriate maintenance of the trees in question, which is not correct. Should anyone wish to reduce the height of existing trees in this location an application would be required which should include the justification for any proposed works to the trees and therefore a full BS5837 tree survey along with an arboricultural impact assessment and arboricultural method statement. Once this information is submitted the local planning authority can fully assess the requirement to carry out any works and any unwarranted impact on the visual amenity of the site. After visiting the site, the Council's tree officer noted some trees which have been felled. The trees form an area wide clustering that comprises of all land at the redundant covered reservoir adjacent to 44 Whyburn Lane, Hucknall. The trees are of a significant prominence along the street scene of Whyburn Lane and can also be viewed from numerous vantage points to the west of the site. The Tree Preservation Order does not stop any future works to trees but helps to regulate proposed works in the interests of preserving the high visual amenity value. In line with the objection received, it is considered that the trees located in this area due to their large size and prominent location, 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 without modifications; or
- 2) To confirm the Tree Preservation Order with modifications; or
- 3) To refuse the Tree Preservation Order.

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
	None

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

Risk:	
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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