

Report To:	PLANNING COMMITTEE	Date:	25/11/2020
Heading:	TREE PRESERVATION ORDER – LAND OFF BECK LANE, SKEGBY, SUTTON IN ASHFIELD		
Portfolio Holder:	PLACE, PLANNING AND REGENERATION		
Ward/s:	SKEGBY		
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 land off Beck Lane, Skegby, Sutton in Ashfield.

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 a woodland on land off Beck Lane, Skegby. 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 the Council's Tree Officer 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 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 a Tree Preservation order on the woodland 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 relevant trees and the visual amenity value within the area. All trees recommended for protection make a contribution to the amenity of Land off Beck Lane and numerous vantage points surrounding the woodland.

Detailed Information

On the 16th June 2020, a formal notice was provided to interested parties advising them that the Council had made a Tree Preservation Order in respect of all trees located within the TPO plan at land off Beck Lane, Skegby.

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 within the woodland area are prominent when viewed from Beck Lane and numerous vantage points along a right of way located to the south and west of the site. 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 received one letter of objection on behalf of a number of local residents in relation to the extent of Tree Preservation Order being placed, and the issues raised are as follows:

- The making of a TPO on this land is very much welcomed, however we remain extremely concerned regarding the extent of the TPO boundary and that it has been considerably reduced from that originally planned.
- The objectors have commissioned Mark Smeeden (Chartered Landscape Architect) of Smeeden Foreman Ltd to undertake an assessment of the site and the provisional TPO boundary.
- The report comments that trees within the wider nursery site and not within the proposed TPO are seen over the roof tops of houses on Beck lane and

therefore have public amenity value.

- They contribute to the amenity of the residents of the dwellings on Beck Lane for whom they provide an attractive element to their view and also contribute to provide shelter from the prevailing wind. Furthermore, those trees appear to be high-quality and are threatened by development and building activity.
- It is therefore considered that the TPO boundary should be extended and therefore the TPO should be confirmed with a modification.

Officers Comments:

Site History

Planning permission has previously been granted for the demolition of a building and the erection of one replacement dwelling (v/2018/0673) and the erection of one garage (v/2019/0732) on land adjacent to 157b Beck Lane. Tree surveys have been submitted to the local planning authority that demonstrate trees sited adjacent to properties 157a and 157b Beck Lane are in poor condition as a result of dead or dying, severe storm damage and root/stem damage. An initial Tree Preservation Order (299), was placed on 16th December 2019 and reflected the urgency to ensure public visual amenity value was safeguarded from opportunistic tree felling. Since placing the Tree Preservation Order (299) a number of residents contacted the local planning authority raising a number of issues with the extent of the TPO boundary. Following an objection received, which raised concerns with the quality of some of the trees, the Order was not confirmed.

On 16th June 2020, a revised Tree Preservation Order was placed which excluded some lower quality trees sited adjacent to 157B and 157A Beck Lane. Trees located within this part of the woodland, adjacent to properties 157A and 157B Beck Lane have been reviewed by the Councils tree officer and deemed less worthy of protection as a number are structurally damaged and due to their location set away from the highway, make less of a contribution to the character and appearance of the street scene and wider area. The trees not included in the revised TPO boundary are sited at the end of a private drive between properties 157a and 157b Beck Lane and therefore are less publically visible.

In accordance with national guidance 'Tree Preservation Orders: A guide to the Law and Good Practice' Tree Preservation Orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. The extent to which the trees or woodlands can be seen by the general public will inform the Local Planning Authorities assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances. The mere fact that a tree is publically visible however will not itself be sufficient to warrant a TPO.

The TPO requiring confirmation maintains the protection of trees that offer most significant public amenity benefit from views along the public footpath to the south-west and from Beck Lane. It is considered that the trees located in the TPO boundary offer high visual amenity value due to their large size and prominent location and therefore 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 modification; or
- 2) To confirm the Tree Preservation Order as 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.

It should be noted that the Order cannot be modified to include further trees outside the boundary of the order as drawn. If consideration is required to be given to protecting further trees then a new order to cover those trees should be placed. The modification of the order can only exclude trees or draw the boundary smaller but it cannot increase it because the publicity and notification has not included any greater number of trees.

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:

Risk	Mitigation

Human Resources:

No implications.

Equalities:

No implications.

Other Implications:

None.

Reason(s) for Urgency (if applicable):

None.

Background Papers

None.

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