

Report to Planning Committee

Location: 6 Shelt Hill, Woodborough, Nottinghamshire, NG14 6DF

Proposal: Protection of a Yew tree by a Tree Preservation Order (TPO)

Case Officer: Lewis Widdowson

1.0 Site Description

1.1 6 Shelt Hill Woodborough is a detached property located in the Woodborough Conservation Area. A Yew tree and a Holly tree are situated in the front garden behind a stone wall adjacent to the highway. The Yew tree is very prominent due to its size and significant amenity value within the local street scene. While the Holly tree is clearly visible, it has low amenity value.

2.0 Relevant History

2.1 Trees in a conservation area that are not protected by an existing Tree Preservation Order (TPO) are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree.

2.2 The Borough Council received notice under Section 211 of the Town and Country Planning Act 1990 on the 11th April 2018 advising that the owner of the property intends to fell the Holly tree and Yew tree. The Forestry Officer and I had no objection to the removal of the Holly tree as this clearly does not warrant protection by a TPO. Given the significance of the Yew tree, the Forestry Officer was instructed to inspect the tree.

2.3 The Forestry Officer inspected the tree on the 25th April 2018. An evaluation of the tree was undertaken to determine whether or not the trees would be worthy of protection by a TPO using the Tree Evaluation Method for Preservation Orders (TEMPO), which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five and an assessment of any immediate threat.

2.4 Part 1 of a TEMPO assessment assesses the attributes below. The higher the attribute scores the more weight that is given to the protection of the trees.

- I. Condition and suitability for TPO: 5/5
- II. Retention span (in years) & suitability for TPO: 4/5
- III. Relative public visibility & suitability for TPO: 4/5

IV. Other factors: 4/5

- 2.5 Part 2 of the assessment measures the likely threat of any immediate danger to the tree with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the tree due to the submission of a notification to fell, a score of 2/5 was therefore deemed appropriate.
- 2.6 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the Yew tree scored a cumulative total of 19/25.
- 2.7 This assessment gives significant weight to my view that the Yew tree is a good specimen and has significant amenity value within the street-scene. It was therefore considered to be expedient to make the Yew tree subject to a TPO pursuant to section 198 of the Town and Country Planning Act 1990.
- 2.8 As detailed above, the work may proceed after 6 weeks, if a TPO is not made. The notification period ended on the 23 May 2018 and therefore it was not possible to seek authorisation from Planning Committee, prior to making the TPO. The constitution does however authorise a Director after consultation with the Chair or Vice Chair to approve the making of TPO's. The Chairman of Planning Committee raised no objection when consulted on the 18th May 2018. The authority to make the TPO was subsequently approved by the Chief Executive/Corporate Director.

3.0 Proposed Action

- 3.1 Authorisation is sought to confirm Tree Preservation Order ref: 000110 "6 Shelt Hill, Woodborough" in relation to the Yew tree identified as T1, without modification.

4.0 Consultations

- 4.1 The Order has been advertised in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012. All parties with an interest in the land have been notified and a copy of the order has been posted close to the site.
- 4.2 One letter of representation has been received objecting to the Tree Preservation Order on the following grounds: -
- The tree is not situated on Main Street and is not highly visible in the village
 - The tree is overgrown and screens the entire property thus reducing light and visibility and furthermore providing cover for potential burglaries.
 - The tree has caused significant damage to the retaining wall adjacent to the highway which is at risk of collapsing.
 - When the wall is replaced the resulting works would likely damage the roots of the tree potentially resulting in its decline.
 - The tree has encroached over half of the front lawn and also the established hedge between No. 6 and No. 8 Shelt Hill causing the lawn to die.

- The tree canopy also encroaches over the driveway which is impairing entry and exit.
- Complaints have been raised from neighbors regarding impaired visibility caused by the tree and the overall poor health of the Yew tree.
- Future plans include replacing the Yew tree with flowers, shrubs and replacement lawn to improve visual amenity.

4.3 Woodborough Parish Council have written in to the Local Planning Authority in support of the Tree Preservation Order.

5.0 Considerations of Representations

5.1 As detailed above, the tree has significant amenity value and while it is not adjacent to Main Street, it is still very prominent within the Woodborough Conservation area and the immediate locality. The tree appears to be healthy and the Forestry Officer has given the tree a score of 4/5 for 'Retention Span'.

5.2 The letter of objection goes on to state that the Yew tree is overgrown, encroaches boundaries, reduces light and has a detrimental impact on visibility for both users of the adjacent highway and local residents turning into their driveways. I would have no objection to appropriate works being undertaken to the tree, provided they are in accordance with good arboricultural practice, and subject to the submission of an application. I am of the opinion that works could be undertaken to satisfactorily address any visibility issues. The presence of the tree will inevitably have an impact on light and vegetation growth within the front garden of the property, but I do not consider this is a justification to remove the tree.

5.3 Repair works to the wall have been cited as a reason to not confirm the TPO. It is however possible to repair/replace the wall in its current location without significantly impacting on the tree roots.

5.4 Finally, I am note that the objector has provided a brief specification of works proposed in place of the existing Yew tree. I do not, however, consider these sufficient in terms of appropriately mitigating the loss of a prominent healthy tree with significant amenity value.

6.0 Conclusion

6.1 For the reasons outlined above it is considered that the objections raised in relation to Tree Preservation Order ref: 000110 "6 Shelt Hill, Woodborough" do not justify non confirmation or modification of the Order.

7.0 **Recommendation:** – **Confirm Tree Preservation Order 000110 without modification.**