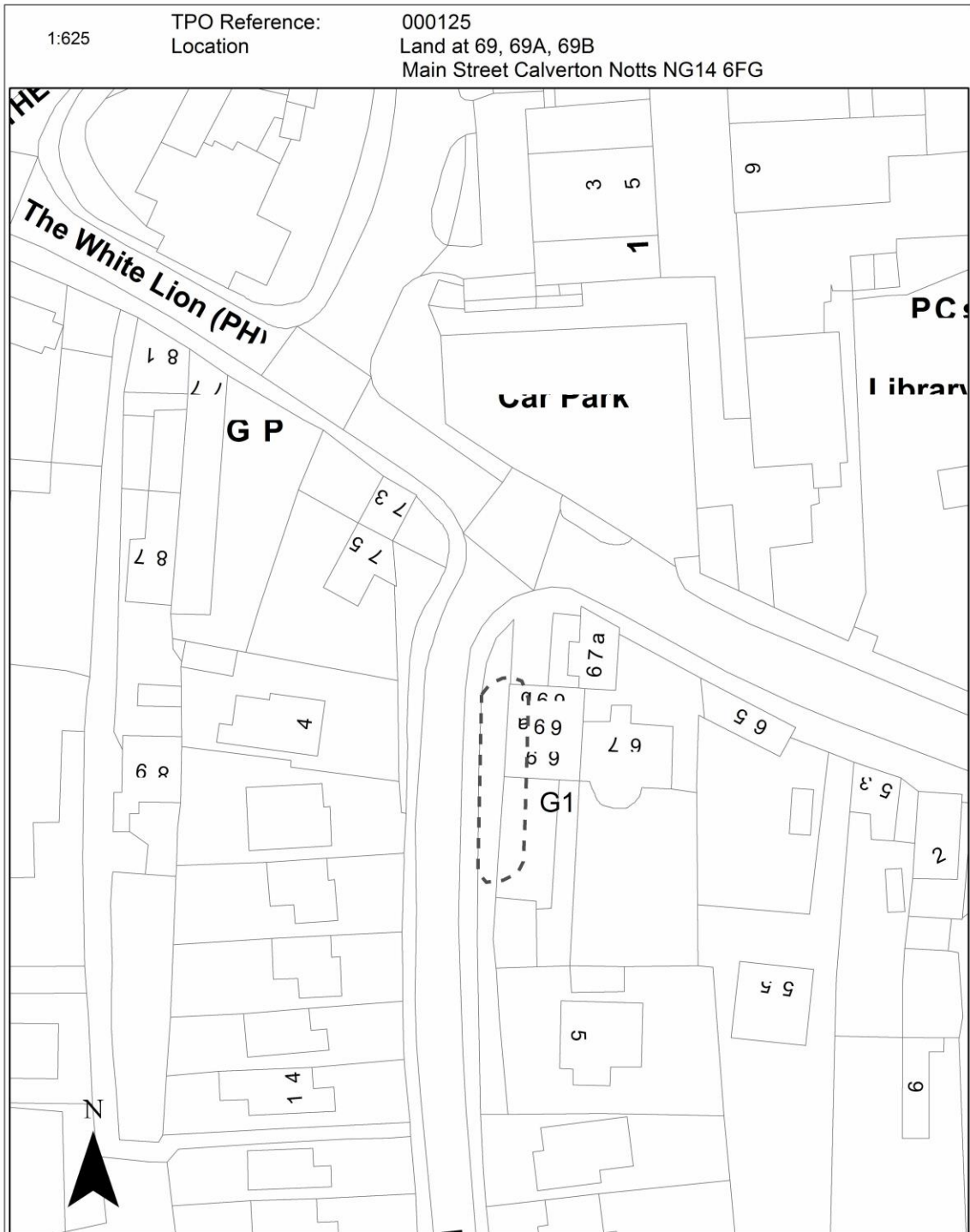


Report to Planning Committee



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
 Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Report to Planning Committee

Location: 69 Main Street, Calverton, Nottinghamshire, NG14 6FG

Proposal: Protection of 3 no. Birch trees by a Tree Preservation Order (TPO)

Case Officer: Lewis Widdowson

1.0 Purpose

1.1. To request authorisation to confirm Tree Preservation Order No. 000125 at 69 Main Street, Calverton, Nottinghamshire, NG14 6FG.

2.0 Background

2.1. On the 13th August 2019 the Chief Executive authorised a TPO in respect of 3 no. Silver Birch trees at 69 Main Street, Calverton, following consultation with the Chairman of the Planning Committee.

2.2. The TPO was duly made on the 13th August 2019. Under the Town and Country Planning Tree Regulations 2012 the Council served a copy of the notice on the owners and occupiers of the land affected by the TPO. In addition, a site notice was displayed close to the site informing local residents of the TPO. Interested parties had until the 10th September 2019 to submit any representations.

2.3. One letter of objection was submitted objecting to the TPO. The main comments are summarised below:

- The provisional Order was not made in accordance with the Gedling Constitution,
- Lack of evidence that a TEMPO assessment had been carried out by Forestry Officer,
- Can only make TPO if “expedient in the interest of amenity”,
- T1 and T2 are not readily visible from major public roads,
- No amenity value due to lack of visibility of trees,
- Carried out independent TEMPO which does not meet the required score for protection,
- Council did not publish copy of its TEMPO assessment,
- Not appropriate as a Group TPO,
- Trees causing structural damage and subsidence to property. Property could be at risk of collapsing,
- Property forms part of the councils designated Conservation Area.

- Amenity Value (if any) outweighed by difficulty of retaining T1 and T2 and ensuring long term stability of property,
 - Confirmation of TPO infringes upon Human Rights to peaceful enjoyment of possessions, and respect for one's private and family life, home and correspondence, and
 - Trees not at risk as future development unlikely due to size of plot.
- 2.4. Consideration has been given to each of the points raised above and I shall address each of the comments individually.
- 2.5. I am satisfied that the TPO was made in accordance with the Gedling Constitution. The Gedling Constitution gives authority to the "Director after consultation with the Chairman or Vice-Chairman of the Planning Committee" "Authority to approve the making of a Tree Preservation Order under Sections 197 – 201 of the Town and Country Planning Act 1990". As outlined above, the Chair of the Planning Committee was consulted on the 12th August 2019 and raised no objections to the TPO. The Chief Executive (Director for Planning and Economic Growth) authorised the TPO on the 13th August 2019.
- 2.6. The Forestry Officer carried out a full TEMPO assessment on the 2nd August 2019. Three Silver Birch trees situated on land at the side of 69 Main Street were assessed giving consideration to amenity, retention span, relative public visibility, other factors and expediency. A score of 22/25 was considered to be appropriate. Where a TEMPO score of 15+ is attached to any trees it is considered that a TPO is definitely merited. A copy of the TEMPO assessment carried out by the Forestry Officer has been provided to the applicant.
- 2.7. Given the above assessment, I am satisfied that it was both expedient and in the interest of public amenity to make a TPO in respect of the three Silver Birch trees. The trees under the protection of this TPO are of the same species and occupy a prominent position with all three trees collectively contributing to the amenity of the locality. As such a Group Order was deemed appropriate in this instance.
- 2.8. The objection states that two of the Silver Birch trees are not readily visible from the public realm. This is not accepted as the trees are situated on a prominent corner, adjacent to Main Street and opposite the Calverton Local Centre.

- 2.9. As the objection has correctly identified, the PPG explains that “authorities need to exercise judgment when deciding whether it is within their powers to make an Order”. The guidance goes on to state that “Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public” (Paragraph: 007 Reference ID: 36-007-20140306). The trees are set forward of the building line with clear uninterrupted views of the trees from both Renals Way and Main Street. Taking the above into consideration, I remain satisfied that the protection of these trees would ensure a degree of public benefit both at present and in the future.
- 2.10. In light of the above, and given their height, form, maturity and structure, it is considered the trees provide a significant amount of visual amenity to the locality.
- 2.11. The objection states that an independent TEMPO assessment has been carried out. It goes on to state that T2 was attributed a score of 6 and that a score of 16 should be obtained to justify protection by way of a TPO. A TEMPO assessment is a subjective tool used to guide decision making in respect of TPOs. Scores may therefore vary when undertaken by different arborists. I am however content that the group of trees warrant protection by a TPO.
- 2.12. The objection states that the trees are causing damage and subsidence to the adjacent property however no evidence has been provided to demonstrate that any damage may be specifically attributed to the 3 No. Birch trees. Notwithstanding the above I remain of the opinion that the TPO should be confirmed given the benefit to the public realm. The confirmation of the TPO would not restrict all future works to the trees but would merely ensure that permission would first need to be obtained from the Local Planning Authority. The applicant would be free to submit an application applying for permission to undertake works to the trees if any evidence was advanced in the future.
- 2.13. The objection also points out that the adjacent building is situated within the Calverton Conservation Area. Whilst this is correct, it is not just the built form which contributes to the value of the conservation area with vegetation and green space also enhancing the character of the area. The Calverton Conservation Area Character Appraisal (2007) identifies all Tree Preservation Orders which were made at that time, but also states that “The omission of any particular tree, feature or space, should not, however, be taken to imply that it has no value to the character of the Conservation Area”. Given the visual amenity the trees provide, I consider the trees to be as important to the character of the conservation area as the surrounding built form.
- 2.14. The objector goes on to state that the confirmation of this TPO would be an infringement upon their human rights, however, no justification has been provided. I do not consider that the protection of the Silver Birch trees would

have an adverse impact upon the objector's human rights. Furthermore, as previously stated, the confirmation of this TPO would not preclude any future works being undertaken with regards to the tree, merely that permission must be sought first.

- 2.15. Finally the objection claims that the trees are not at risk of being felled to make way for future development as the site is too narrow. I do not accept that the width of the land would prevent all forms of development.

3.0 Proposed Action

- 3.1. In accordance with the Council's Constitution, all new Tree Preservation Orders shall be considered by Committee.
- 3.2. Taking the above into consideration I am satisfied that the 3 No. Silver Birch trees forming this TPO provide a significant level of visual amenity and public benefit to the locality. Having addressed the points raised following consultation I do not see any reason to not confirm the TPO and therefore recommend the TPO be confirmed without modification. Authority is therefore sought from the Planning Committee to confirm the above order without amendments

4.0 Recommendation: Confirm Tree Preservation Order 000125 without modification.