



Report to the Planning Committee

Location: Linby House, Linby Lane, Linby, Nottinghamshire,
NG15 8AF

Proposal: Protection of a group of trees by a Tree Preservation Order
(TPO)

Case Officer: Lewis Widdowson

1.0 Purpose

1.1 To request authorisation to confirm with modification Tree Preservation Order No. 000127 at Linby House, Linby Lane, Linby, Nottinghamshire, NG15 8AF.

2.0 Background

2.1 On the 2nd October 2019 Planning Committee authorised the making of a TPO in respect of the trees at Linby House, Linby Lane, Linby, Nottinghamshire, NG15 8AF.

2.2 The provisional TPO was duly made on the 7th October 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 proposed TPO. In addition, a site notice was displayed close to the site informing local residents of the TPO. The consultation period for the submission of representations ended on the 9th March 2020.

2.3 In total one representation was submitted objecting to the TPO. The main comments raised are summarised below:

- Not all the trees within the protected Group are worthy of protection,
- The trees are situated within a Conservation Area and therefore additional protection is unnecessary, and
- The provisional TPO was not made in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2.4 An independent Arboricultural Survey and Impact Assessment which was undertaken at the site in October 2019 was submitted in support of the above objection. This document details the quality of trees across the site. In total 3 x trees were identified as Category A (High Value trees), 27 x trees as Category B (Moderate Value trees) and 17 x trees and 2 x groups of trees (total of 33

trees) falling in Category C (Low Value trees). No trees on the site were identified as Category U (Negligible Value trees).

- 2.6 Taking the above into account, it is considered that all the trees across the site provide some level of visual amenity. Approximately half of all the trees to the front of the site are considered to be of either high value or moderate value and as such are worthy of protection. In addition to the above, the remaining trees identified as Category C still provide some value to the site and contribute to the visual amenity provided by the group of trees as a whole.
- 2.6 Notwithstanding the above, I accept that some of the trees located to the rear of Linby House are afforded limited views from the public realm and are considered to be less significant within the streetscene than those trees set within the frontage of the site. With this in mind I consider that the area protected by Group 1, as detailed within the Schedule of the Order, should be modified to include only the trees to the front Linby House. The Arboricultural Officer has considered the submitted report and also concurs with this view.
- 2.7 It should be noted that the confirmation of this TPO as modified would not prevent works to the trees covered by the order but would ensure that an application would need to be submitted and assessed by the Local Planning Authority before the works can be undertaken. Whilst I accept that the site is situated within an existing Conservation Area, this only requires a person/s proposing to undertake works to notify the Local Planning Authority of their intention to carry out works to trees within a Conservation Area. The Local Planning Authority can either accept the notification or make a TPO in relation to the trees for future protection. In this instance an assessment has already been undertaken and it is considered that the trees are worthy of protection by way of a TPO.
- 2.8 Finally the letter of objection queries whether or not the provisional TPO was served in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Regulation 5 states that:
- (1) "As soon as practicable after making an order, and before confirming it, the authority which made it shall-
 - (a) Serve on the persons interested in the land affected by the order-
 - i. A copy of the order; and
 - ii. A notice containing the particulars specified in paragraph (2)"

A copy of the order and notice was posted outside the site on Linby Lane and served upon Linby House, Linby Lane, Linby on the 7th October 2019 the same day the provision TPO was made. Following this a Land Registry Search was

undertaken to ascertain the name and address of the owner of the site to whom a copy of the Order and notice was then sent on the 10th February 2020. I am therefore satisfied that the provisional TPO was both made and served in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

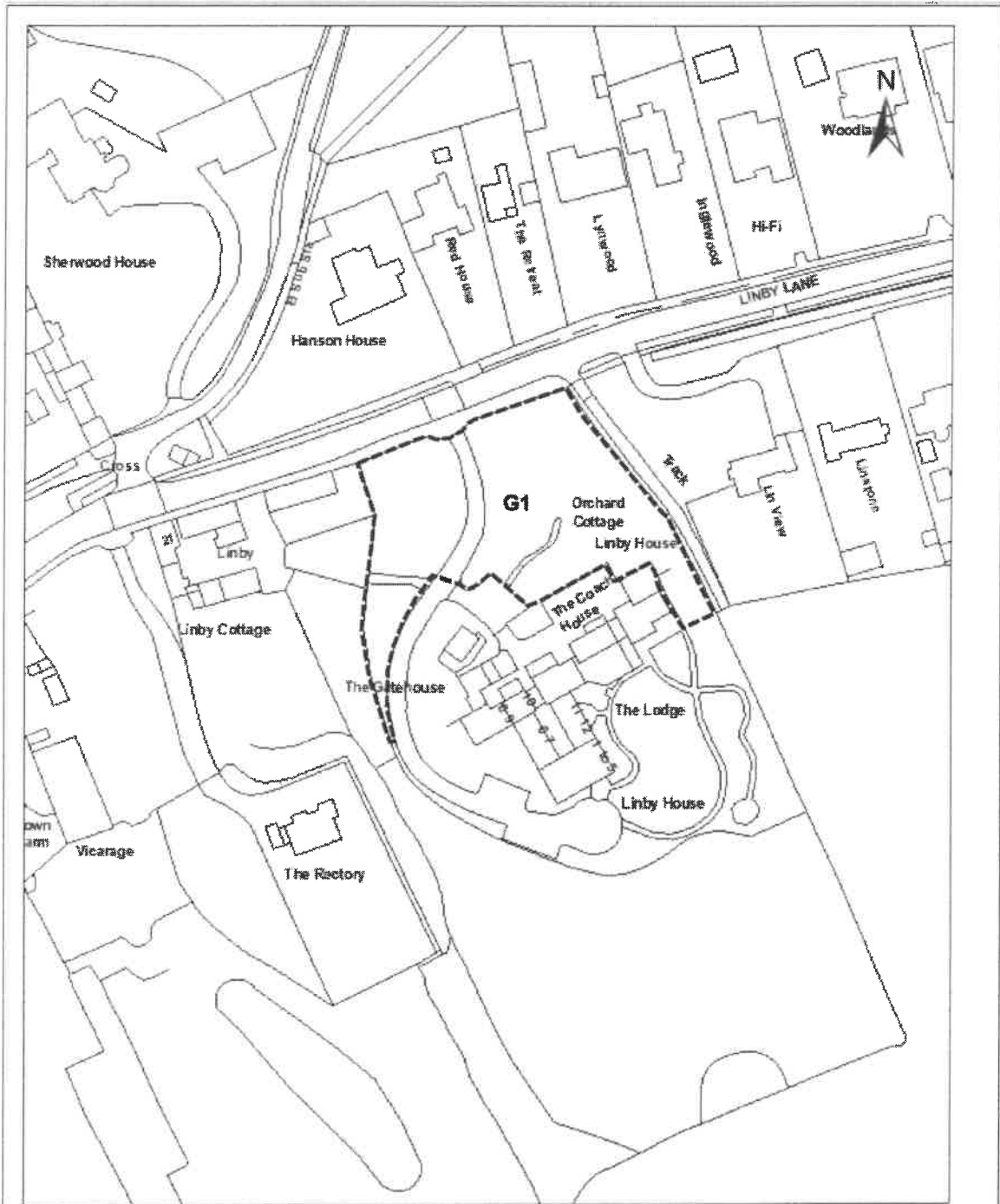
- 2.9 Having given consideration to the above objection I remain satisfied that the majority of the trees identified at Linby House, Linby Lane, Linby are of good form and provide a significant amount of visual amenity to the locality. In terms of the trees to the rear of Linby House, on balance, it is not considered that these trees provide a significant amount of visual amenity to the public realm given they are screened behind the built form of Linby House and are not visible within the streetscene. I would therefore recommend that the Order is confirmed with modification of G1 of the existing Order in accordance with the attached plan.

3.0 Proposed Action

- 3.1 Taking the above into consideration, I do not consider there are any justifiable reasons to not confirm the above Tree Preservation Order with some modification. Authority is therefore sought from Planning Committee to confirm

the modified Order protecting the trees situated to the front of Linby House as detailed in the attached plan.

- 4.0 Recommendation: to confirm Tree Preservation Order 000127 with modifications to the plan identifying the group of trees (G1) subject to the Order.**



TPO Reference: 000127

Modified as of 12th March 2020

Address

Linby House, Linby Lane, Linby,
Nottinghamshire, NG15 8AF

Date: 13/03/2020

Scale: 1:1,250

Size: m²

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