

Report to Planning Committee

Subject: **Tree Preservation Order, Whittingham Road.**

Date: **18 May 2016**

Author: **David Gray – Principal Planning Officer.**

1. Purpose of the Report

At the Council meeting held on 20 April 2016 a petition was presented, under the Council's Petitions Scheme, entitled 'We the undersigned, support the application, & implementation, of a Tree Preservation Order, on the 46 year old tree, in the bottom right-hand corner of the garden of 34 Whittingham Road, Mapperley, Nottingham, NG3 6BJ.

Council determined that the matter should be referred to the Planning Committee.

This report sets out background to the issue and the Planning Committee is requested to determine whether a Tree Preservation Order should be granted.

2.0 Background

2.1 The Council received a petition containing 263 signatures and reading, as follows:

'We the undersigned, support the application, & implementation, of a Tree Preservation Order, on the 46 year old tree, in the bottom right-hand corner of the garden of 34 Whittingham Road, Mapperley, Nottingham, NG3 6BJ.

The TPO should be applied because:

The Oak tree is of high amenity value within the streetscene.

As an acorn of the Major Oak, it is deserving of recognition, protection & preservation'

2.2 Further information

To assist Members in determining the application the following material facts are provided:

A request has been made to the Planning Department as the Local Authority to make an Order to protect a tree within the rear garden of 34 Whittingham Road.

An accompanying letter providing further information from the petition organiser is attached to this report as Appendix 1.

Advice given from the Planning Department is that authorities can make Tree Preservation Orders if it appears 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The following advice was received from the Nottinghamshire County Council Arboricultural Officer:

"The tree was visually inspected from the highway and within the garden area of the property. The following observations were recorded:

Species – Oak

Age – Early Mature

Condition – Good: I could not see that the tree had any significant physiological or structural defects and appears in good health. The crown was not symmetrical due to proximity of an adjacent mature sycamore tree.

Position/ visibility – The tree is only partially visible from Whittingham Road and Sandford Road once stood between properties. Also the tree isn't identifiable from the surrounding trees / vegetation due to the close proximities of other mature trees.

Wider impact – If the tree was removed for whatever reason, I believe this would not have an impact on the local surroundings as the tree is growing within the rear garden of the property.

I would recommend that the tree is not protected with a Tree Preservation Order."

2.3 Considerations:

When considering whether trees should be protected by an Order, authorities are advised to assess the amenity value of the trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- Size and form;
- Future potential as an amenity;
- Rarity, cultural or historical value;
- Contribution to, and relationship with the landscape; and
- Contribution to the character and appearance of a conservation area.

Other Factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

2.4 Officer Recommendation:

It is recommended that a Tree Preservation Order is **not** granted for the following reasons.

In the opinion of the planning department, due to the location of the tree in a rear amenity area of a private dwelling, the less than substantial extent to which the tree can be seen by the public in the area, and the tree's size and form the tree would not warrant an order in this instance.

3. Resource Implications

There are no direct resource implications arising from this report.

4. Appendices

Appendix 1 – Supporting Information for Committee.