

<b>Application No:</b>	<b>21/01524/TWCA</b>
<b>Proposal:</b>	<b>1 Ornamental Plum tree - reduce to obtain end height of 4 metres and spread of approximately 3.5 metres</b>
<b>Location:</b>	<b>Ringlet House Highbury Green Eakring</b>
<b>Applicant:</b>	<b>Mr J Robinson</b>
<b>Registered:</b>	<b>1st July 2021</b> <b>Target Date: 12th August 2021</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=QVT7EILB04P00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=QVT7EILB04P00</a>

**In line with the Constitution the notification is referred to Members of the Planning Committee for determination as the applicant is an officer of the Council.**

#### The Site

The tree subject to this notification is within the curtilage of Ringlet House, Highbury Green, Eakring, located within the rear garden. The property itself is located on the edge of the designated conservation area.

Due to its set back of the tree from the immediate street scene, views are not possible from the roadside by members of the public.

The tree is protected by Eakring Conservation Area, no Tree Preservation Order applies to the site.

#### Relevant Planning History

Regarding previous works to trees (section 211), electronic records indicate no previous notifications to the subject tree nor any other trees within the property curtilage.

#### The Proposal

The applicant seeks to reduce 1 Plum tree to obtain end height of 4 metres and spread of approximately 3.5 metres.

As part of the submission, the applicant has provided a management report (dated June 2021) detailing the works. The report also refers to reduction works to the hedgerow located along the southern boundary to the rear of the property. For the avoidance of doubt, consent is not required for works to a hedge that marks the boundary of a private garden. Therefore these works have not been included in this notification.

## Planning Policy/Legislative Framework

Trees in a conservation area that are not protected by an Order 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 (LPA), 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 LPA gives consent. This notice period gives the authority an opportunity to consider whether to make a Tree Preservation Order (TPO) on the tree. It is important to note, a Section 211 notice is not an application for consent under TPO, so the authority cannot:

- refuse consent; or
- grant consent subject to conditions.

As government guidance informs, when assessing a Section 211 notice, the LPA's main consideration should be the amenity value of the tree. In addition, they must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. When assessing amenity value, the Local Planning Authority considers the following:

- Visibility - the extent to which the trees or woodlands can be seen by the public, normally from a public place, such as a road or footpath, or accessible by the public; and
- Individual, collective and wider impact - assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics. This can include size and form, rarity, historic value etc.); and

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.

## Consultations

A Section 211 notice (Tree works in Conservation Area Notification) or notification by a statutory undertaker does not need to be publicised, however we may if necessary consult the Local Authority's Tree Consultant.

In this instance, the Local Authority's Tree Consultant comments were not sought given that the level of works proposed can be assessed by the case officer.

## Comments of the Business Manager

### Appraisal of proposed works

#### Visibility:

The subject tree, as mentioned above, is located to the rear of the property and due to its location, views of the tree are restricted to within the rear garden only. Therefore when assessing the trees suitability for protection, the assessment scores low regarding views by the public from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact:

Ornamental plum trees belong to the Prunus species, which also includes flowering cherry, nectarine and peach. Such species can be widely found growing across the area, both in public and private areas. Such trees are appreciated for their springtime display of blossoms.

The subject tree is located close to a mixture of trees and hedgerow forming an attractive linear group (to the south) along the rear boundary of Ringlet House and adjoining properties. From the photograph provided (included in Professional Arboricultural Care Management Report dated 9<sup>th</sup>



June 2021) the tree appears to be healthy although presents an unbalanced canopy. Plum trees tend to respond well to pruning and the proposed reduction would be unlikely to place the tree under any unnecessary stress, resulting in new growth visible during the following growing season and over time a balanced canopy.

Furthermore, impact of reduction works to the overall view of the area will be mitigated by those surrounding trees and hedgerow, resulting in little or no impact on the overall 'green' view of the area.

Due to the type of tree, a proliferation of new growth is often presented from pruning points. Once such works are undertaken, further works may be required, on a cyclical basis to ensure the tree maintains an appropriate size for its location and balanced canopy.

On undertaking any works, it is recommended these are in accordance with BS3998 2010. It is expected that all vegetation control is carried out in accordance with best arboricultural practice and also care taken not contravene the provisions of legislation protecting plants and wildlife.

Conclusion

In conclusion, as this type of tree responds well to pruning, it is considered that the proposal would not place un-necessary stress on the subject tree and its ability to flourish in the future. Furthermore, as views of the tree are limited to rear gardens only, the resulting works will not unduly harm the character and appearance of the conservation area within the immediate area.

Recommendation

That no objection is raised to the proposal.

BACKGROUND PAPERS

Application case file.

For further information, please contact Lee Robinson on extension 5821.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/01524/TWCA

