



Report to Planning Committee 9 June 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Sean Davies, Trees and Woodlands Officer (01636 655575)

Report Summary			
Application Number	22/00699/TWCA		
Proposal	Remove 1No Horse Chestnut tree		
Location	10 Brewers Wharf, Newark On Trent, NG24 1ET		
Applicant	Mr Mark Eyre	Agent	Not applicable
Web Link	<a href="#">22/00699/TWCA   Remove 1No Horse Chestnut tree   10 Brewers Wharf Newark On Trent NG24 1ET (newark-sherwooddc.gov.uk)</a>		
Registered	05.04.2022	Target Date	21.05.2022
Recommendation	Allow notice		

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

## **1.0 The Site**

A relative new build, 10 Brewers Wharf, is located immediately adjacent to significant mature Tree Preservation Order (TPO) trees, within the Newark Conservation Area, adjacent to a key footpath link. The tree in question is located in the rear garden, under the canopy of other mature trees. Visibility of the tree is limited to the immediate area only.

## **2.0 Relevant Planning History**

Regarding previous works to trees (section 211), records indicate consent (notification 17/01154/TWCA) was issued on the 31<sup>st</sup> July 2017 for works to a number of trees within the rear and front garden of the property, including removal of 6 trees/shrubs and pruning works to 1 bush/tree. Reasons for removal included close proximity to boundary wall, poor form

and presence of fungus and cavity on main trunk of 1No Laburnum.

### **3.0 The Proposal**

The applicant seeks to remove 1 Horse Chestnut tree, within the Newark Conservation Area.

As part of the submission, the applicant has provided a summary detailing the works, plan showing the tree's location and short statement informing of the trees excessive shading, lifting of patio, inappropriately planted next to a sewer and has a lean into the neighbouring property. Additionally, the submission informs that the tree has also shown signs of rusting on the leaves and is not in the best of health. Photographs taken in Autumn 2021, showing the subject tree, have been provided showing rusting of leaves and location of larger surrounding trees.



Photo 1

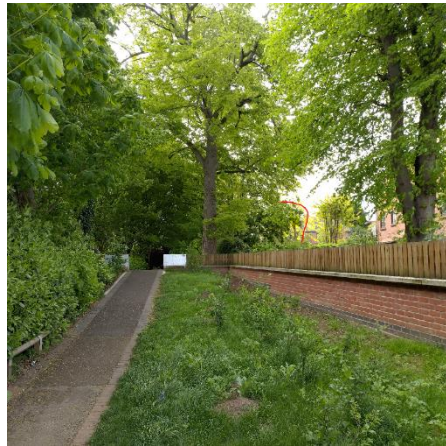


Photo 2

**Photo 1 provided with application, taken from garden of resident, photo 2 (red area) highlighting tree from main public view**

### **4.0 Planning Policy/Legislative Framework**

Trees in a conservation area that are not protected by an Order but 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) of 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 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 main consideration should be the amenity value of the tree. In addition, they [the LPA] 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 LPA 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;
- 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.

## **5.0 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 Trees and Landscape Officer.

In this instance, the case officer is the Local Authority's lead regarding trees and given that the case officer can assess the level of works proposed, further comments were not necessary.

## **6.0 Comments of the Business Manager – Planning Development**

### **7.0 Appraisal of proposed works**

The subject tree forms part of the understory, suppressed by the surrounding trees, and due to its location, the tree is growing in a habitat with little sunlight, presenting etiolated leave form.

Additionally, the tree has poor structural form with inclusion (abnormally formed part of the tree - is known to weaken the connection of the branch to the rest of the tree's structure) in the major structural forks, as such, the tree is not a suitable long-term retention.



Surrounded by large significant trees, immediately adjacent is a young Walnut tree of better form that will benefit from the removal of the Horse Chestnut tree.

## **8.0 Conclusion**

Allow the notice; removal of the tree will not significantly affect the character of the conservation area and will aid the development of surrounding trees.

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.

## **BACKGROUND PAPERS**

Notification case file.

Committee Plan - 22/00699/TWCA

