



Report to Planning Committee 20 April 2023

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Lead Officer: Kathryn Smith, Technical Support Officer, Ext 5554

Report Summary			
<b>Application Number</b>	23/00407/TWCA		
<b>Proposal</b>	Tree 1 (Maple) and Tree 2 (Horse Chestnut) - Undertake Crown Lift to achieve a clearance of approximately 2.5m from ground level, crown clean and crown thin of up to 30% (Works to be undertaken in accordance with BS3998)		
<b>Location</b>	Sherwood Avenue Park, Sherwood Avenue, Newark		
<b>Applicant</b>	Newark and Sherwood District Council – Mr Brian Rawlinson	<b>Agent</b>	
<b>Web Link</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RR3O6KLBHIN00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RR3O6KLBHIN00</a>		
<b>Registered</b>	08.03.2023	<b>Target Date</b>	24.04.2023
		<b>Extension of Time</b>	Requested
<b>Recommendation</b>	No Objections be raised		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Newark and Sherwood District Council manage the subject trees which are within the ownership of Newark Town Council.

### 1.0 The Site

The subject trees are located within the grounds of Sherwood Avenue Park, close to its boundary with Barnby Gate Car Park. The boundary of the park is delineated by railings approximately 1.5m in height. Tree 1, an Acer (Maple) sits close to the north-eastern

boundary of the car park. T2, a Horse Chestnut, is sited adjacent to the south-eastern boundary. To the north west of the site is Newark Town Club, a Grade II Listed Building and car park.

The subject trees are protected by virtue of their position within Newark Conservation Area; neither are protected by Tree Preservation Order.

## **2.0 Relevant Planning History**

The most recent Tree Works Notification, 13/01730/TWCA did not include works to the subject trees.

## **3.0 The Proposal**

The notification seeks to undertake a crown lift to achieve a clearance of approximately 2.5m from ground level, crown clean and crown thin of up to 30% (Works to be undertaken in accordance with BS3998) to Tree 1 (Maple) and Tree 2 (Horse Chestnut)

## **4.0 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) when 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 or trees. It is important to note, a Section 211 notice is not an application for consent under a 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 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.).

In addition, 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.

The Local Authority's Trees and Landscape Officer visited the site on 28<sup>th</sup> March 2023 and suggested that along with the proposed crown lift, a crown clean and a crown thin of up to 30% be undertaken.

## **6.0 Appraisal of Proposed works**

The trees, both mature specimens, overhang the car park. The works proposed are routine practice as good maintenance, creating sufficient clearance under their crowns without posing harm to their health. Additional works comprising of a crown clean and thin have been suggested and agreed with the applicant, in writing, on the 30<sup>th</sup> March 23.

## **7.0 Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

## **8.0 Conclusion**

No objections be raised to the works

## **Background Papers**

Notification case file.

# Committee Plan - 23/00407/TWCA





Committee Plan - 23/00407/TWCA

