



Report Reference Number: TPO 11/2022

To: Planning Committee
Date: 11th January 2023
Author: Ellis Mortimer (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	TPO 11/2022	PARISH:	Womersley Parish Council
TPO SERVED:	25 th July 2022	DEADLINE FOR CONFIRMATION:	25 th January 2023
LOCATION:	1 Barn Cottages Main Street Womersley Selby DN6 9AY		
RECOMMENDATION:	TPO be confirmed with no modification		

This application is being presented to Members for decision in accordance with the scheme of delegation 3.8.9(b)(viii), the confirmation of the Tree Preservation Order cannot be issued under delegated powers due to an objection to make the order. In exercise of the powers conferred by section 198 of the Town and Country Planning Act 1990 this report will seek the permission of the Planning Committee to “Confirm with no Modification”, Tree Preservation Order No. 11/2022. A copy of the Order is at Appendix A.

1. INTRODUCTION

- 1.1 The tree subject to the Tree Preservation Order (TPO) ('the Tree') is a Sycamore tree that is located within the south-east corner of the rear curtilage of the dwelling known as 1 Barn Cottages, Main Street, immediately north-west of the dwelling known as 1 School Cottages, Cow Lane. It is located to the front of 1 School Cottages, to the west of its vehicular access and parking area. The main garden area lies to the south of the property.
- 1.2 The site is located within the Womersley Conservation Area, north-east of Main Street, positioned between Main Street and Cow Lane. The site is also within the Green Belt. The Womersley Village Design Statement (VDS) notes that the

abundance of trees adds to the views of the village, with corridors of trees particularly along the southern side of Main Street. The location of the TPO to the north-east of Main Street does not have an abundance of trees, and the Sycamore is one of only two mature trees in the immediate locality that provide amenity value to this part of the Conservation Area. Other vegetation within the immediate locality is predominantly made up of lower value ornamental trees and garden landscaping.

Relevant History

1.3 The following historical planning applications are considered relevant to the confirmation of this TPO.

- 2008/0070/FUL – Proposed conversion of existing schoolroom to a dwelling and erection of 3 dwellings with car ports following the demolition of existing temporary school buildings. Approved 24.07.2008.

- The Trees and Landscape officer consulted on 2008/0070/FUL commented that the Sycamore tree in the north-west corner of the site should be protected during construction. Plans indicate that the tree referred to is the Sycamore subject of this TPO. Therefore, the Sycamore tree was present prior to the construction of the dwellings 1-3 School Cottages.

- 2022/0570/TCA – on 13th June 2022 the Council made valid an application for notification of intent to fell 1 Sycamore within the Womersley Conservation Area. The application for consent to fell the tree was refused on the 21.07.2022. The Council served the provisional TPO 11/2022 in response to this.

- The applicant of the notification was the occupant of adjacent dwelling 1 School Cottages, which shares a boundary with 1 Barn Cottages and which parking area is located immediately adjacent to the Sycamore.

2. BACKGROUND AND SCOPE OF PROVISIONAL TPO 11/2022

2.1 The Council received an application (2022/0570/TCA) as notification of intent under Section 211 of the Town and Country Planning Act 1990 (as amended) to fell a Sycamore Tree which is located in the Womersley Conservation Area. The proposed tree removal was not supported and notice of this decision was given on 21 July 2022 on the basis that the tree is a healthy specimen and adds to the visual amenity of the Womersley Conservation Area and its removal would have an adverse impact on character and appearance. Subsequently, a provisional TPO was issued on the 25th July 2022 in order to immediately protect the tree and provide long-term protection to the Tree given its size, healthy condition and positive contribution to amenity and the Conservation Area.

2.2 The Order was served following the advice of the Council's Tree Officer, a qualified arboriculturist, who recommended that the Sycamore tree is a healthy specimen which appears to have been present when the dwellings 1-3 School Cottages were constructed. The planning history and aerial imagery on Google Earth confirms this.

2.3 The Town and Country Planning Act 1990 (as amended) sets out the relevant legislation with regards to the making of tree preservation orders and the preservation of trees in conservation areas and in the Town and Country Planning (Tree Preservation)(England) Regulations 2012. These enable local planning

authorities to make an Order if it is 'expedient in the interests of amenity to make the provision for the preservation of trees or woodland in their area'.

- 2.4 An Order can be made to protect specific trees, groups of trees or woodlands in the interests of amenity and should be used where removal or works to the tree(s) would have a significant negative impact on the local environment and its enjoyment by the public. Factors in the consideration of amenity include: visibility; individual, collective and wider impact, i.e. landscape setting and/or preservation or enhancement of character and appearance of the conservation area; and, other factors such as nature conservation or response to climate change.
- 2.5 The Order comes into effect immediately on the day the Council makes it and this provisional status lasts for six months, unless the authority either confirms the Order to provide long-term protection or decides not to confirm it.
- 2.6 Regulation 5 of the 2012 Regulations set out at 5(1) the procedure after making an Order and requires the local planning authority as soon as practicable after making the Order to serve a copy of it on persons interested in the land affected by the Order and particulars, and make a copy available for public inspection. The particulars are listed in Regulation 5(2) and include:
 - (a) the reasons for making the order;
 - (b) a statement that objections or other representations with respect to any trees, groups of trees or woodlands specified in the order may be made to the authority;
 - (c) the date, being at least 28 days after the date of the notice, by which any objection or representation must be received by the authority; and
 - (d) a copy of Regulation 6 setting out how to object or make representations.
- 2.7 The TPO as served relates to a single Sycamore Tree (T1), as shown on the plan associated with the TPO, which is attached to this report at Appendix B. It was served in accordance with the Town & Country Planning (Tree Preservation) (England) Regulations 2012 on the person interested in the land, who has been identified as the owner of the property at 1 Barn Cottages. A copy of the order was made publicly available at the site for inspection. Comments on the provisional Order were invited to be received by 26th September 2022.

3. REPRESENTATIONS RECEIVED TO PROVISIONAL ORDER

- 3.1 One objection to the TPO was received from the owner of the tree at 1 Barn Cottages. It can be summarised as follows:
 - Do not object to the removal of the tree, although they acknowledge they would not necessarily have considered its removal themselves if not for issues caused to their neighbour at 1 School Cottages.
 - The tree was self-seeded and may soon begin to cause damage to the neighbouring garage roof.
 - There is insufficient space for the tree.
 - They do not object to the removal of the tree to prevent future issues.

4. APPRAISAL

- 4.1 The main issues for consideration are:

- Whether the tree is worthy of protection;
- Justification and consideration of objection.

Whether the tree is worthy of protection

- 4.2 As noted above, the Council's Tree Officer has advised that the Tree is a healthy specimen of an acceptable form and appears to be have been present when the dwellings were constructed.
- 4.3 The Womersley Village Design Statement notes that the abundance of trees adds to the views of the village, with corridors of trees particularly along the southern side of Main Street. The location of the Tree to the north of Main Street does not have an abundance of trees, and the Sycamore is one of only two trees in the immediate locality that provide amenity value to the area. Other vegetation within the immediate locality is predominantly made up of lower value ornamental trees and garden landscaping. Therefore, Officers consider that the Tree makes a valuable contribution to the character and appearance of the Conservation Area and as such should be retained.

Justification and consideration of objection

- 4.4 No technical information was submitted with the Section 211 notification to fell the Tree. The application stated that the applicant (who is not the owner of the tree) has to spend time clearing blossom and leaves resulting from the Tree. The applicant advised that they sought permission from the owners of the land for which the tree is located, to remove the Tree. The applicant stated in their form that the reason for seeking the permission to fell the Tree is due to maintenance and cleaning up around the Tree. The objection to the making of the Tree Preservation Order also states these reasons.
- 4.5 The Council and its arboricultural consultant have considered the submissions made by the objector, the applicant of the previous notification to fell the tree and the issues presented. It is considered that:
- (a) Adequate technical justifications for removal of the tree have not been submitted.
 - (b) Account should be taken of the fact that the tree is a healthy specimen with a life expectancy of a further 40-100 years.
 - (c) The large tree gives a positive contribution to the setting of Womersley Conservation Area, particularly in an area where trees are less in number.
 - (d) Sycamore trees in particular are one of the highest performing species for carbon sequestration.
- 4.6 The Council's Tree Officer advises that such inconveniences are consequential to nature and not technical justifications to remove trees. Such reasons are not justifications for removing healthy trees at a time when tree retention is highly valued. Therefore, no weight can be attached to the aforementioned reasons in the consideration of the TPO protection.
- 4.7 It is noted that surrounding vegetation, which is predominantly ornamental trees, garden shrubs and hedges, does not offer the same visual or environmental benefits as the large Sycamore, which is beneficial both in terms of visual amenity to the immediate locality but also as a high-performing species for carbon sequestration, providing improved air quality by way of oxygen output.

4.8 In summary, the Tree makes a valuable contribution to the character and appearance of the Womersley Conservation Area and no technical justification or material reasons have been provided to outweigh the advice of the Council's Tree Officer and justify the removal of the Tree.

6. CONCLUSION

6.1 Special attention must be paid to the desirability of preserving the character and appearance of the Womersley Conservation Area. It is considered that there is not enough evidence or justification for removal of the healthy Sycamore tree at this time and none of the factors presented have mitigated this. The Council's Tree Officer has concluded that none of the matters raised by the objector, or applicant of the notification to remove the tree, undermines the tree's suitability for protection by TPO.

6.2 Having regard to the above, the proposal to fell 1 Sycamore Tree would have a detrimental impact on the character and appearance of the Womersley Conservation Area. This Tree Preservation Order (11/2022) would provide long term protection of a large, healthy and high amenity tree which provides a valuable contribution to the green and rural character of Womersley Conservation Area, contributing to the area both visually and environmentally.

7. RECOMMENDATION

Taking into account all of the above, Officers recommend that Members confirm the Tree Preservation Order 11/2022 to protect the Sycamore Tree at 1 Barn Cottages, Main Street, Womersley.

Contact Officer: Ellis Mortimer, Senior Planning Officer

Appendices:

A – TPO 11/2022 Schedule

B – TPO 11/2022 Map