

To the Chairman and Members of the
PLANNING BOARD

Date 27 February 2020

Report of the Assistant Director of Planning, Regeneration and
Transportation Service

ITEM NO. SUBJECT

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Item 1

Proposed Tree Preservation Order No 10, 2019 – Stonehaven, The Yews, Firbeck

RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 10 2019 without modification with regard to the tree(s) which is the subject of this report, situated at Stonehaven, The Yews, Firbeck under Section 198 and 201 of the Town and Country Planning Act 1990.

Background

The Council's Trees and Woodlands Service received an enquiry from the owner of the property Stonehaven asking for several broad leaf trees they had planted some 37 years ago to be protected under a Tree Preservation Order.

The Council's Trees and Woodlands Service visited the site and found that a number of them (12 in total) qualified for a TPO to be placed upon them. Accordingly, the Tree Services Manager has recommended that these trees, which consist of 2 x Cherry; 1 x Ornamental Plum; 1 x Maple; 1 x Silver Birch; 2 x Horse Chestnut; 3 x Sycamore and 2 x Willow standing on the either the western boundary of the site or to the south of the property, be covered by a TPO and the grounds for making the Order are as follows:

Amenity

- The trees concerned provide valuable and important amenity to the area.
- The trees are mature in age and outwardly appear in reasonable to good condition with reasonable to good future prospects.
- The trees are considered to be suitable species in relation to their setting and contribute to the leafy character of Haven Hill.
- The trees are likely to provide associated wildlife and environmental benefits.

Expediency

- The Council has received a request from the land owner for a Tree Preservation Order. It is therefore expedient that these trees are protected as a precaution.

The Government's advice in the National Planning Practice Guidance (NPPG) states that,

"When deciding whether an Order is appropriate, authorities are advised to take into consideration,

- *what 'amenity' means in practice*
- *what to take into account when assessing amenity value*
- *what 'expedient' means in practice*
- *what trees can be protected and*
- *how they can be identified*

When granting planning permission authorities have a duty to ensure, whenever appropriate, that planning conditions are used to provide for tree preservation and planting. Orders should be made in respect of trees where it appears necessary in connection with the grant of permission".

Objections

Objections were subsequently received from a nearby neighbour on the following grounds –

- Impact of trees on satellite/Sky TV signal

Comments from the Tree Service

The Tree Service has considered the objections raised and has commented as follows:

Satellite/ Sky TV signal

It appears that the main concern from the neighbour is in relation to the trees that stand within the boundary of The Yews, Stonehaven, some of which are contained within the Order and others that are not. There are Conifers within the boundary that do not form part of the Tree Preservation Order, nor do they stand within a conservation area, as such no consent from the Council would be required to prune/fell the Conifers. However consent from the landowner would be required should any pruning works be deemed necessary.

In respect of those trees on the boundary that would fall within the proposed Tree Preservation Order, the Order would not prevent tree pruning works being undertaken; it would however prevent any unnecessary pruning works being undertaken that could possibly have a detrimental effect on the trees and the amenity that they provide to the surrounding area.

Further to the above, a land owner has no legal requirement to prevent or negate the interference of a satellite/TV signal by tree(s), it is not a legal 'nuisance' as defined in law. A television license allows you to operate any equipment to receive a transmission; it is not a guarantee of any television

reception. In law a television owner does not have a legal right to a viewable image.

It is advised that alternative avenues are explored to address any possible issues that the neighbour has with poor satellite/Sky TV signal.

Conclusion

The trees on site are good quality trees that provide an excellent level of amenity to the local area. They are likely to be capable of providing at least this level of amenity for the next 2 to 4 decades, though likely more as they grow.

It is therefore considered that the objections to the Order have been carefully considered and that the Order has been made in accordance with Government guidelines. In this instance, it is recommended that the Order is confirmed without modification.