

PROPOSAL: Confirmation of Tree Preservation Order 24/00005/TPO

SITE: 8 The Leys, Longthorpe, Peterborough, PE3 6LE

REFERRED BY: Head of Planning

CASE OFFICER: Stephen Chesney-Beales - Tree Officer

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RECOMMENDATION: Confirmation of Tree Preservation Order 24/00005/TPO without modifications.

1. DESCRIPTION OF THE SITE AND SURROUNDINGS & SUMMARY OF THE PROPOSALS

Purpose of Report

The Tree Preservation Order (TPO) - 24/00005/TPO 8 The Leys, Longthorpe, Peterborough was made and served on 13th June 2024 on an individual Yew tree to protect it because the tree was considered to be under threat by way of a Section 211 Notice to fell the tree.

The TPO has been the subject of consultation and because objections have been received, the Committee are required to consider the objections, before determining the confirmation of the TPO, in accordance with para 2.6.2.2 (f) of the Council's constitution.

The main considerations are:

1. The Yew, the subject of the TPO, is worthy of a TPO in terms of its public visual amenity value?
2. Is the making of the TPO reasonable and justified having regard to the objections raised?

The Head of Planning recommends that the TPO is CONFIRMED without modifications.

Site and Surroundings

The tree is located in a grassed area outside the front of No.8 The Leys, immediately adjacent to the front boundary wall to the property.

Please see the TPO plan within **Appendix 1**, for reference.

Brief description of the tree

The Yew T.1 is considered to be an early mature specimen, typical of the species and appears to be in a good physiological and structural condition with no apparent health problems or structural defects.

Please see the photograph in **Appendix 2**, for reference.

2. PLANNING HISTORY

Current Relevant Planning History

A Section 211 Notice reference 23/01575/CTR was received by the Council on the 17th November 2023, giving the Council six weeks' notice of the felling of the Yew, growing within the Longthorpe Conservation Area.

Please see a copy of the S.211 application in **Appendix 3**, for reference.

3. PLANNING POLICY

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise:

Town and Country Planning Act 1990, Section 198 states:

S.198. - Power to make tree preservation orders

(1) If it appears to a local planning authority that **it is expedient in the interests of amenity** to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

4. CONSULTATIONS/REPRESENTATIONS

Objection - 1

A letter raising a number of objections with regard to the making of the TPO was received dated 11th July 2024, within the objection period, from Mr King the notifier and owner of the property.

Please see **Appendix 4**, for reference.

The Council's Tree Officer considered the main points of the objection in the above letter, which are set out below in italics.

The Tree Officer's response to each point is in bold below.

- 1) *Yew trees are toxic.*

Yes, but only when the berries (seed) or leaves are eaten and digested. The Tree Officer believes that any person or animal would become noticeably unwell after consuming the leaves and seeds in any quantity, which is understood to be a rare occurrence.

The Tree Officer fully understands and appreciates the concerns with regard to the worry and anxiety over the toxicity of the Yew and especially its berries and leaves, however, he believes the risk to be low. He also considers that, children, vulnerable adults and pets would ordinarily be closely supervised in an area outside the front of the house with open access or in the adjacent public realm; and that anyone supervising would be in a position not to allow the consumption of quantities of berries or leaves unchallenged.

2) *Blocking of light all year round.*

The Tree Officer appreciates the tree will block some light from the rooms at the front of the house but does not consider the protected Yew should be felled to facilitate greater light to the rooms but pruned and managed to increase the light availability to the rooms in question, as it has been in the past.

3) *Surrounded by other trees.*

The Tree Officer considers the loss of the protected Yew would be a major deficit from an ecological perspective, given that most of the surrounding trees are deciduous, therefore, the Yew as an evergreen, native tree provides greater ecological value and offers some biodiversity to the area, especially as the dense canopy provides a valuable site for nesting and roosting birds early in the nesting season and a valuable food source.

4) *Risk to wall.*

The Tree Officer appreciates the concerns with regard to the wall and the risk of future damage by the protected Yew, however, the wall currently appears to show no signs of damage, and should any damage become evident in the future the situation can be reviewed and appropriate action taken.

5) *Management obligations.*

The Tree Officer acknowledges that the protected Yew has been pruned in the past to retain its attractive crown shape. however, he is not aware of the reasons for this approach. He does not however, agree with the view that the Yew 'looks out of keeping', to the contrary, he considers the Yew contributes to the character and appearance of the Longthorpe Conservation Area and welcomed the past, traditional practice of topiary to manage the trees growth, in direct contrast to the more natural crown habits of the adjacent trees within the public open space.

Objections - 2

A letter raising a number of objections with regard to the making of the TPO was received dated 11th July 2024, within the objection period, from Pat Hind of 9 The Leys, the neighbouring property.

Please see **Appendix 5**, for reference.

The Council's Tree Officer considered the main points of objection in the above letter, which are set out below in italics.

The Tree Officer's response to each point is in bold below.

1. Lack of light

The Tree Officer appreciates the tree will block some light from the house frontage of 9 The Leys, however, the degree of light loss, is considered to be low, given the distance from the protected Yew. With regard to, not feeling comfortable outside in the dark evenings due to the lack of light, is acknowledged, however, it is considered that the removal of this tree in particular, given its size in relation to the much larger surrounding trees, will make little difference to the light levels in the dark evenings.

2. The toxicity of the berries

The Tree Officer fully understands and appreciates the concerns with regard to the worry and anxiety over the toxicity of the protected Yew, especially its berries and leaves, however, he believes the risk to be low, given that children especially would ordinarily be closely supervised outside the front of a house in an area of public open space with access by all. He also believes that the supervising individual would, therefore, be in a position, not to allow berries (or leaves) to be put in the mouth or eaten unchallenged, and guidance given as to the harm of eating the berries or leaves.

In summary, the Tree Officer understands and appreciates the concerns of the objectors, however, for the reasons stated above does not consider the protected Yew should be removed, especially as the main objector bought the house within a Conservation Area, in the knowledge that the tree was present, was protected and the circumstances in which it was located. The Tree Officer believes the removal of the Yew tree would have a significant impact on the local environment and its enjoyment by the public.

5. ASSESSMENT OF THE PLANNING ISSUES

Local Authorities are guided by Government guidance at: <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#making-tree-preservation-orders>

At PCC an assessment criteria has been developed and covers the considerations detailed below:

Visual Amenity and Visual Impact as a Group

Government advice states - The extent to which a tree can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The tree, or at least part of it, should normally be visible from a public place, such as a road or footpath, or accessible by the public. It also, states that it may be expedient to make an Order if the authority believes there is a risk of a tree being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.

The Tree Officer considers the protected Yew offers public visual amenity value to the immediate and wider area and contributes to the character and appearance of the

Longthorpe Conservation Area all year round, given the evergreen nature of the tree and its location adjacent to a public footpath.

Tree Health Considerations

Tree health considerations include visual health, structure, growth, foliage condition, size, past management, future maintenance, future visual impact, maturity, life expectancy and presence of fungi.

The Tree Officer considers the Yew to be of a good physiological and structural condition with no apparent health problems or structural defects with greater than 40 years life expectancy and no obvious signs of fungi present, at the time of the assessment.

Impact Considerations

Tree impact considerations on the public highway, services, on walls or buildings.

The Tree Officer considered the impact of the Yew on the front boundary wall and the house, to be high, given their close proximity. However, as stated above, there is no current concern or evidence of any impact with regards to the above features.

TPO Serving Procedure

The Tree Preservation Order (TPO) - 24/00005/TPO 8 The Leys, Longthorpe, Peterborough was made and served on 13th June 2024 on an individual Yew tree, to protect it, because the tree was considered to be under threat by way of a Section 211 Notice to fell the tree.

A TPO Assessment was carried using the PCC criteria on the trees the subject of the TPO and the TPO made accordingly.

Mr King and Pat Hind's objections have been considered and responded to above.

6. CONCLUSIONS

The Yew T.1 subject of the TPO, shown in **Appendix 1**, is considered to contribute to the public visual amenity value of the immediate and wider area and to the character and appearance of the Longthorpe Conservation Area. The tree has been assessed and is considered to be worthy of a TPO, therefore, it is recommended that the TPO is confirmed.

7. Recommendations

The Head of Planning recommends that the TPO is CONFIRMED without modifications.

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