

# Planning Committee

26 June 2020

Agenda item number 11

## Tree Preservation Order – Waterside Rooms, Station Road, Hoveton BA/2020/0002/TPO

Report by Historic Environment Manager

---

### Summary

A Provisional Tree Preservation Order (TPO) has been served on two trees at the former Waterside Rooms, Station Road, Hoveton.

A single objection to the TPO was received and so a virtual site visit was attended by Members on 29<sup>th</sup> May 2020.

### Recommendation

It is proposed that Members consider whether to confirm the TPO. The Authority's recommendation is that it is confirmed.

---

## 1. Introduction

- 1.1. As part of its obligation as a Local Planning Authority (LPA), the Broads Authority is required to serve Tree Preservation Orders (TPOs) on trees which are considered to be of amenity value and which are under threat. There are criteria set out in The Town and Country (Tree Preservation) (England) Regulations) 2012 against which a tree must be assessed in order to determine whether it meets the threshold for protection.
- 1.2. This report explains how this process has been carried out in respect of a Norway maple and an alder at the Waterside Rooms, Station Road, Hoveton (BA/2020/0002/TPO).

## 2. Tree Preservation Order procedure

- 2.1. There are two prerequisites which must be met for a tree to be considered for protection through a TPO. Firstly, the tree must be of amenity value, and secondly it must be under threat. There are many trees in the Broads (and elsewhere) which are of sufficient amenity value to qualify for TPO status, but which are not protected as they are not under threat. The TPO process is not a designation like, for example, a Conservation Area which is made following an assessment of particular character, but is effectively a response to a set of circumstances.

- 2.2. Typically, the consideration of a tree for a TPO designation will arise in connection with either a Section 211 notification, notifying the authority of proposed works to trees within a Conservation Area or a development proposal, either through a formal planning application or a pre-Planning application discussion. At a site visit or when looking at photos or other visual representation, a case officer may see there is a tree on the site which is potentially of amenity value and under threat from the proposed development. The case officer will consult the Authority's arboricultural adviser, who may need to investigate further and will visit the site and make an assessment of the tree under the 2012 Regulations. If the tree is considered to meet the criteria in the Regulations then a provisional TPO will be served.
- 2.3. After a provisional TPO has been served there is a consultation period, which gives the opportunity for the landowner and other interested parties to comment on it.
- 2.4. The Regulations require that a provisional TPO must be formally confirmed by the LPA within 6 months of it being served; if it is not confirmed then it will lapse automatically.
- 2.5. The Authority's scheme of delegation allows provisional TPOs to be served and for non-controversial TPOs (i.e. where no objections have been received) to be confirmed by officers under delegated powers.
- 2.6. The Authority's practice, however, has been for all TPOs to be brought before the Planning Committee for confirmation. Where an objection has been received as part of the consultation process the practice has been for Members to undertake a site visit to view the tree prior to making a decision on the confirmation.

### **3. The potential Tree Preservation Orders at Hoveton**

- 3.1. The site at the Waterside Rooms, Hoveton sits on the south-west side of Station Road. The premises are a detached building, unoccupied for 20 years, which was the subject of a Section 215 Notice requiring remedial and cosmetic works in 2018. Located between Station Road and the Bure, the site has river frontage to the south-west and a narrow strip of land facing the public highway to the north-east.
- 3.2. The two trees under consideration are within this northern frontage. One is a Norway maple and the second a larger alder. Both make a significant contribution to the street scene, particularly because there are few other trees along this stretch of road. A planning application was submitted (BA/2018/0349/FUL) and subsequently withdrawn for the redevelopment of the site. This application proposed buildings right up to the back of the footpath which would necessitate the removal of both trees.
- 3.3. On 31 January a provisional TPO was served on the trees.
- 3.4. On 20 February 2020 a letter objecting to the TPO was received on behalf of the leaseholder of the site. The grounds of the objection are that the trees are not of amenity value and, further, that they are not under threat as the leaseholder does not intend to remove them.

- 3.5. The Tree Preservation Order will lapse if it is not confirmed by 31 July 2020.
- 3.6. At the Planning Committee meeting on 29 May 2020 members undertook a virtual site visit, viewing the trees and their surrounding by means of a series of photographs with a commentary by the Authority's arboricultural advisor.

## 4. Next Steps

- 4.1. Following the site visit, the provisional TPO is reported to Planning Committee for their consideration.
- 4.2. The Authority's arboricultural advisor considers that the trees detailed in this report are worthy of a TPO due to the contribution that they make to the streetscene, as explained at 3.2 above. Objections have, however, been received from the owner of the site and the following Statement of Case sets out those objections formally, along with the response from the arboricultural advisor.

No	Representation	Response
1.	The trees are not of significant amenity value and have limited visual amenity	The trees have high public visual amenity as an integral part of the street scene close to the centre of the village and central car park.
2.	No real threat to the trees as a request by Walsingham Planning for information was incorrectly and inappropriately deemed to signify the owners wish to remove the trees, therefore the TPO is unjustifiable as the trees are not and never have been under threat of being pruned or felled.	With regards the potential threats to the trees, this is not quite correct. As part of the previous planning application BA/2018/0349/FUL the trees were surveyed as part of an Arboricultural Impact Assessment and associated report by Wharton Natural Infrastructure Consultants (24 <sup>th</sup> September 2018). The trees, a Norway Maple and Alder, were identified as trees T8 & T10 respectively and are clearly shown as being removed to allow the proposed development. As stated in the letter of objection the application was later withdrawn following the objections from the Landscape Officer. However, this left the trees open to removal without restriction as the trees are neither protected by a Conservation Area, Tree Preservation Order or planning condition. This did highlight the fact that these trees were not protected.
3.	The serving of the TPO provides development constraints that restrict the	This is somewhat at odds with the previous reason for objection and in many ways undermines it. It is clear that in order to facilitate future development the preference

No	Representation	Response
	viability of the site in terms of future development.	would be to remove such constraints, namely; the trees. This clearly constitutes a threat to the trees.
4.	The trees were assessed by Wharton Natural Infrastructure Consultants as part of the previous application and were categorised as Category B trees in line with BS5837:2012, namely early mature trees of moderate value.	Within BS5837:2012 Constraints are required to be shown for Category A, B & C trees, however it is commonly accepted amongst the arboricultural community that Category A & B trees are those which should be deemed a constraint to development and retained accordingly. These two trees are two of eight category A or B tree amongst the thirty seven trees and one group surveyed on the site and therefore are deemed to be of significance by the Project Arboriculturalist as well as the Broads Authority.
5.	The expediency of the TPO is questionable in relation to the following  A) Visibility - The trees are insufficiently visible within the wider context to justify the TPO.	As can be seen from the virtual site visit images the trees are clearly visible from both Bridge Street and along Station Road where they overhang both the footpath and highway. It is therefore difficult to see how the trees can be said to not be significant or visible.
6.	B) Impact – The trees are not of any particular importance or value with limited potential. Not of historic or cultural value and have no particular relationship to the landscape and do not contribute to a Conservation Area as they are not in the Conservation Area.	Once again, as can be seen from the virtual site visit images the trees are early mature specimen that do have considerable growth potential. Whilst not of historic value they do contribute significantly to the public visual amenity of Station Road and therefore have some cultural value.
7.	C) Other Factors – The trees aren't important for any other reason, they do not have any conservation value or respond to climate change.	Obviously, we must disagree here as all trees, especially within urban areas provide the following to name but a few: <ul style="list-style-type: none"> <li>• They produce oxygen</li> <li>• They absorb and sequester carbon dioxide, helping to mitigate global climate change</li> </ul>

No	Representation	Response
		<ul style="list-style-type: none"> <li>• They absorb excess stormwater runoff and many of the pollutants it contains, helping to improve water quality and reduce flooding</li> <li>• They provide shade in the summer and insulation from winter winds, reducing energy use for air conditioning and heating</li> <li>• They help settle, trap, and hold particulate pollutants such as dust, ash, pollen, and smoke, benefitting air quality</li> <li>• They soften and beautify the urban landscape</li> </ul>

4.3 Members should consider this Statement of Case when considering whether to confirm the TPO.

## 5. Recommendation

5.1. It is recommended that the provisional Tree Preservation Order at The Waterside Rooms, Station Road, Hoveton is confirmed.

5.2 Documents relating to the TPO are attached to this report.

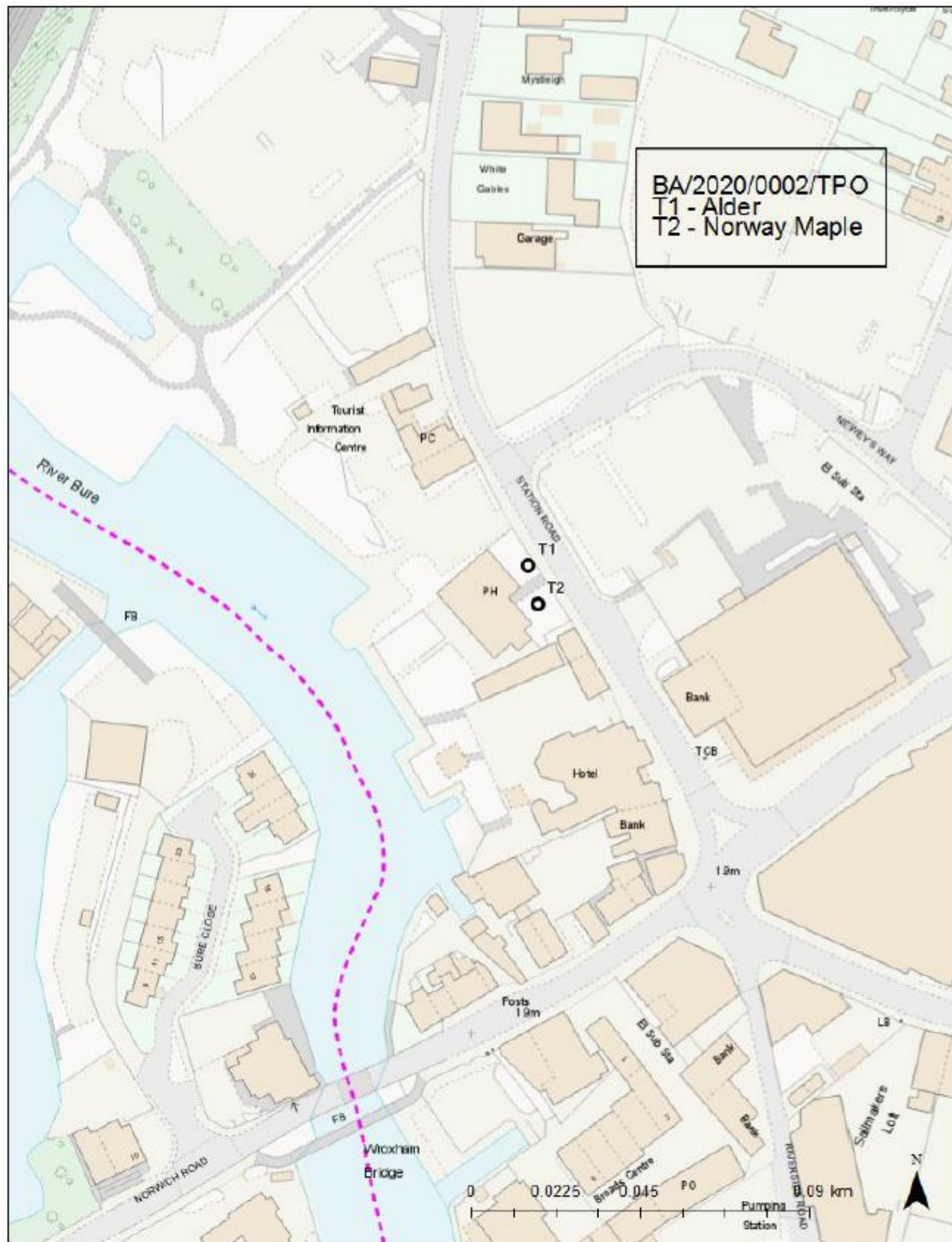
Author: Kate Knights

Date of report: 11 June 2020

Background papers: TPO (BA/2020/0002/TPO) file

Appendix 1 – Location map

## Appendix 1 – location map



**BA/2020/0002/TPO Former Waterside Rooms Site, Station Road, Hoveton**

© Crown copyright and database rights 2020 Ordnance Survey 100021573. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

© Broads Authority. © Norfolk County Council. Contains data derived from Ordnance Survey mapping. ©