

Planning Committee

26 June 2020

Agenda item number 12

Tree Preservation Order: Nicholas Everitt Park, Oulton Broad, BA/2020/0001/TPO

Report by Historic Environment Manager

Summary

A Provisional Tree Preservation Order (TPO) has been served on two trees at Nicholas Everitt Park, Oulton Broad.

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

Recommendation

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

1. Background

- 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 two Corsican pines at Nicholas Everitt Park, Oulton Broad (BA/2020/0001/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 Nicolas Everitt Park

- 3.1. Nicholas Everitt Park, Oulton Broad sits on the west side of Bridge Road and Saltwater Way, between the road and the Broad. It is within the Oulton Broad Conservation Area. Near the Bridge Road entrance to the park is a disused swimming pool at the eastern edge of the park. The two trees under consideration are situated immediately to the south-east of the swimming pool area, between it and a drainage channel.
- 3.2. The subject trees are mature Corsican pines. It is considered that the trees have great amenity value and contribute to the landscape of the park and are also a prominent part of the skyline of a much wider area due to their height and form.
- 3.3. A section 211 notification, Tree Works application reference 2019/0426/TCAA, was submitted by the owners. The proposal was to fell the trees to 10-12metres from ground level, which would effectively mean the loss of all of the trees' canopies.
- 3.4. On 16 January 2020 a provisional TPO was served on the trees.
- 3.5. On 4 March 2020 a letter objecting to the TPO was received from Oulton Broad Parish Council who own the park. The grounds of the objection include the size of the trees

and the constrained area in which they sit, concerns about their future stability and potential damage should they fall in an uncontrolled manner, that although they contribute to the general ambience they are some way from 'The Avenue' and the main park area and are seen within the context of more than 28 other pines within the park. Also, that the trees cast needles which produce acidic ground conditions which are not conducive to other planting. They also state that proposals to enhance the park, including the implementation of a planting plan and proposals for the derelict pool are being impeded by the trees.

- 3.6. The Tree Preservation Order will lapse if it is not confirmed by 16 July 2020.
- 3.7. 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 street scene, 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 causing structural damage to the boundary wall of the swimming pool	This has been considered and as there is a programme of redevelopment and restoration of the specific area in question, it is the Authority's opinion that with the correct input from a suitably experienced engineer and Arboriculturalist the trees and buildings could co-exist without future detriment to either. Reduction to a height of 10 – 12 m will not remove the roots and associated issues raised.
2.	The trees are causing cracking and associated seepage of the swimming pool	The pool has been infilled thereby negating this issue. However, if incorrect, with the correct input from a suitably experienced engineer and Arboriculturalist the trees and buildings could co-exist without future detriment to either. Reduction to a height of 10 – 12 m will not remove the roots and associated issues raised.

No.	Representation	Response
3.	The pool and amusements are suffering from needle droppings from the Pines	Unfortunately, whilst irritating the public, visual amenity provided by these historic trees is considered such that the time and effort required to remove/clear up the needles is considered a small burden to bear for such benefits.
4.	Trees are growing in a restricted area and doing increasing damage	This has been considered and as there is a programme of redevelopment and restoration of the specific area in question, with the correct input from a suitably experienced engineer and Arboriculturalist, the trees, sheet piling and buildings could co-exist without future detriment to either. Reduction to a height of 10 – 12 m will not remove the roots and associated issues raised.
5.	An above ground sewage pipe is at risk should the trees come down.	Given the present condition of the trees, there is no present foreseeable risk of their failure and therefore this is not considered relevant at this stage. Should the trees ever become a risk to those using the park then the Broads Authority will work with the Trustees to take the necessary action to make the trees safe.
6.	The pine needles prevent growth of potential new plants to hide sheet piling	<p>Whilst the needles are deemed to be allelopathic, there are a number of plants that can be planted and thrive below pine trees such as; Creeping wintergreen. A densely growing evergreen plant. Bugleweed (purple flowers). Sweet woodruff (white flowers in spring).</p> <p>Some of the classical groundcover will also grow under pines but perhaps not as well: Pachysandra (<i>Pachysandra terminalis</i>) Vinca (<i>Vinca minor</i>).</p> <p>You can also try the following plants which are not usually considered to be "groundcover" but can, in fact serve that purpose if planted closer together than usual: Wintercreeper A spreading shrub.</p>

No.	Representation	Response
		Wild ginger or Ferns. Various ferns will grow under these conditions, such as, Hay-scented fern, Royal fern, Lady fern and Oak fern.
7.	Due to their position the trees are not directly approachable as are other trees within the park.	Whilst true, due to their position, this does not affect the fact that the trees are highly visible and an integral part of the park's skyline landscape.
8.	The trees are obscured from the north east by pre-existing structures	The trees are obscured from all sorts of points within and around the park, however they do contribute significantly to the visual amenity of the park as an integral and historic part of the treescape and general landscaping
9.	The general park-scape comprises many facets including other young and mature trees all of which beckon away from the position of these two trees	As before, the trees are one small, but important, element of the Parks landscaping and contribute in a positive way towards the parks historic and visual amenity
10.	There is an ongoing process of identifying and marking all trees within the Park and producing a tree planting and management plan.	This is very encouraging and a positive move by the Trustees with regards the ongoing management of the Parks tree stock. To date, the Broads Authority has not seen this but will obviously encourage and promote, where possible, the future tree planting in the park.
11.	There is an ongoing new planting programme under the guidance of the New Trustees	As above, this is very encouraging and a positive move by the Trustees with regards the ongoing management of the Park's tree stock. To date, The Broads Authority has not seen this but will obviously encourage and promote, where possible, the future tree planting in the park.

- 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 Nicholas Everitt Park, Oulton Broad, Lowestoft 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/2020/0001/TPO) file

Appendix 1 – Location map

Appendix 1 – Location map

