

# Planning Committee

01 March 2024

Agenda item number 9

## BA/2023/0020/TPO- Land from north of The Acorns to Fen Hollow, Horsefen Road, Ludham

Report by Historic Environment Manager

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### Summary

A Provisional Tree Preservation Order (TPO) has been served on a group of trees at and near The Acorns, The Beeches, The Pines, Broadgate and Fen Hollow, Horsefen Road, Ludham.

A single objection to the TPO was received.

### Recommendation

To confirm the TPO.

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## 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 a group (G1) of five oak trees along with eight further oak trees, three alders and one willow tree (BA/2023/0020/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. The Broads Authority are currently carrying out a review of Tree Preservation Orders and this TPO was re-served as part of that review process.
- 2.4. 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.
- 2.5. 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.
- 2.6. 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. Where an objection has been received as part of the consultation process the decision on whether or not to confirm the provisional TPO is made by the Planning Committee. Furthermore, where an objection has been received the practice has been for Members to decide whether to undertake a site visit to view the tree/s prior to making a decision.
- 2.7. At its meeting on 5 January 2024, the Planning Committee resolved that a site visit was not necessary, as sufficient information can be provided in the form of a photographic survey, measurements and a presentation from the Authority's Arboricultural Consultant to enable them to understand the issues and make a decision.

### **3. The potential Tree Preservation Orders at Horsefen Road, Ludham**

- 3.1. The subject trees are in the grounds around the properties The Acorns, The Beeches, The Pines, Broadgate and Fen Hollow and the public toilets block managed by North Norfolk District Council at Womack Staithe, which are all located on the west side of Horsefen Road, Ludham to the south-east of Womack Staithe. To the west side of the site is Womack Water. The TPO is within the Ludham Conservation Area. The site contains a number of late 20<sup>th</sup> century chalet-type buildings that are in use as residential and holiday accommodation. The trees are situated amongst the buildings, along the road and water frontage.
- 3.2. The TPO contains 17 trees. Travelling south-east along Horsefen Road, there is a row of five oak trees at The Acorns (G1), a further two oaks to the south east and south-west of the public WC (T1 and T3), a large oak tree in the garden of The Acorns in proximity

to the river (T2), an oak tree in the garden of The Beeches (T4) and an oak tree in the garden of The Pines (T5), both visible from the river. Closer to the road there is an oak tree close to the front hedgerow of Broadgate (T6) and another large oak (T7) to the west of Fen Hollow’s drive. In the river-facing garden to Broadgate are a further five trees covered by the TPO, comprising three alders, an oak and a willow (T8-12).

- 3.3. All the trees are large and provide great amenity value, particularly due to the cumulative effect of the group of trees, which is visible from Horsefen Road, Womack Water and Womack Staithe. The buildings sit amongst the trees in an attractive and pleasing manner with the trees enhancing both the setting of the buildings and the wider area. The trees are semi-mature and have the potential for a long life.
- 3.4. All the trees were already covered by TPOs previously served. However, there were previously three individual TPOs and when these were checked as part of the Broads Authority’s TPO Review, it became clear that changes were required to all three for a variety of reasons. In order to rationalise the process, it was considered sensible to amalgamate the three TPOs into one.
- 3.5. Following a further site inspection, it should be noted that a minor correction will be required comprising a re-plotting of tree T4 which is within the grounds of The Beeches and not The Pines as originally stated and also a re-plotting of tree T6, which has been slightly re-located within the same plot (Broadgate).
- 3.6. On 20 September 2023, a provisional TPO was served on the trees.
- 3.7. On 15 October 2023, a letter objecting to the TPO was received from an owner of one of the TPO’d trees. The grounds of the objection relate to the inclusion of one particular oak in group G1. The objector states that over the last 20 years, the tree’s girth has expanded. The tree is positioned immediately adjacent to their driveway and as there has also been an increase in vehicular and pedestrian traffic along Horsefen Road, it has made it harder to enter the property with ease and the objector would therefore like to remove the oak tree.

## 4. Next steps

- 4.1. The provisional TPO is reported to Planning Committee for its 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 visual amenity of the area, as explained at 3.3 above. An objection has, however, been received from a tree owner and the following Statement of Case sets out the objections formally, along with the response from the arboricultural advisor.

No.	Representation	Response
1	One of the oak trees, which sits to the right-hand side of the entrance	Whilst it is appreciated that there is increased traffic on Horsefen Road

No.	Representation	Response
	to the objector's driveway, restricts vehicular access to the drive. Over the last 20 years, the tree's girth has expanded and there has been an increase in vehicular and pedestrian traffic along Horsefen Road due to new moorings at the bottom of the lane. As such this has made it harder to enter the property with ease and the objector would like to remove the tree.	and that there has been some growth in circumference of the base of the tree over the last twenty years, it is quite clear that it is still possible to park a large vehicle on the site and adjacent to the tree in question. To date there appears to be no damage caused by impacts to the tree. From this one must conclude that whilst restricted, there is still sufficient space to manoeuvre the objector's vehicles on and around the site without need to remove the tree in question, which provides visual amenity as an integral part of the group of Oak trees forming G1.

4.3. Members should consider this Statement of Case when considering whether to confirm the TPO. The options are as follows:

- 1) To confirm the modified provisional TPO (as recommended); or
- 2) To confirm the modified provisional TPO with a further modification to remove the eastern-most oak in Group G1 from the TPO; or.
- 3) Not to confirm the whole provisional TPO.

4.4. The TPO will lapse if it is not confirmed by 20 March 2024.

## 5. Recommendation

5.1. It is recommended that the provisional Tree Preservation Order at Land from the north of The Acorns to Fen Hollow, Horsefen Road, Ludham is confirmed.

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

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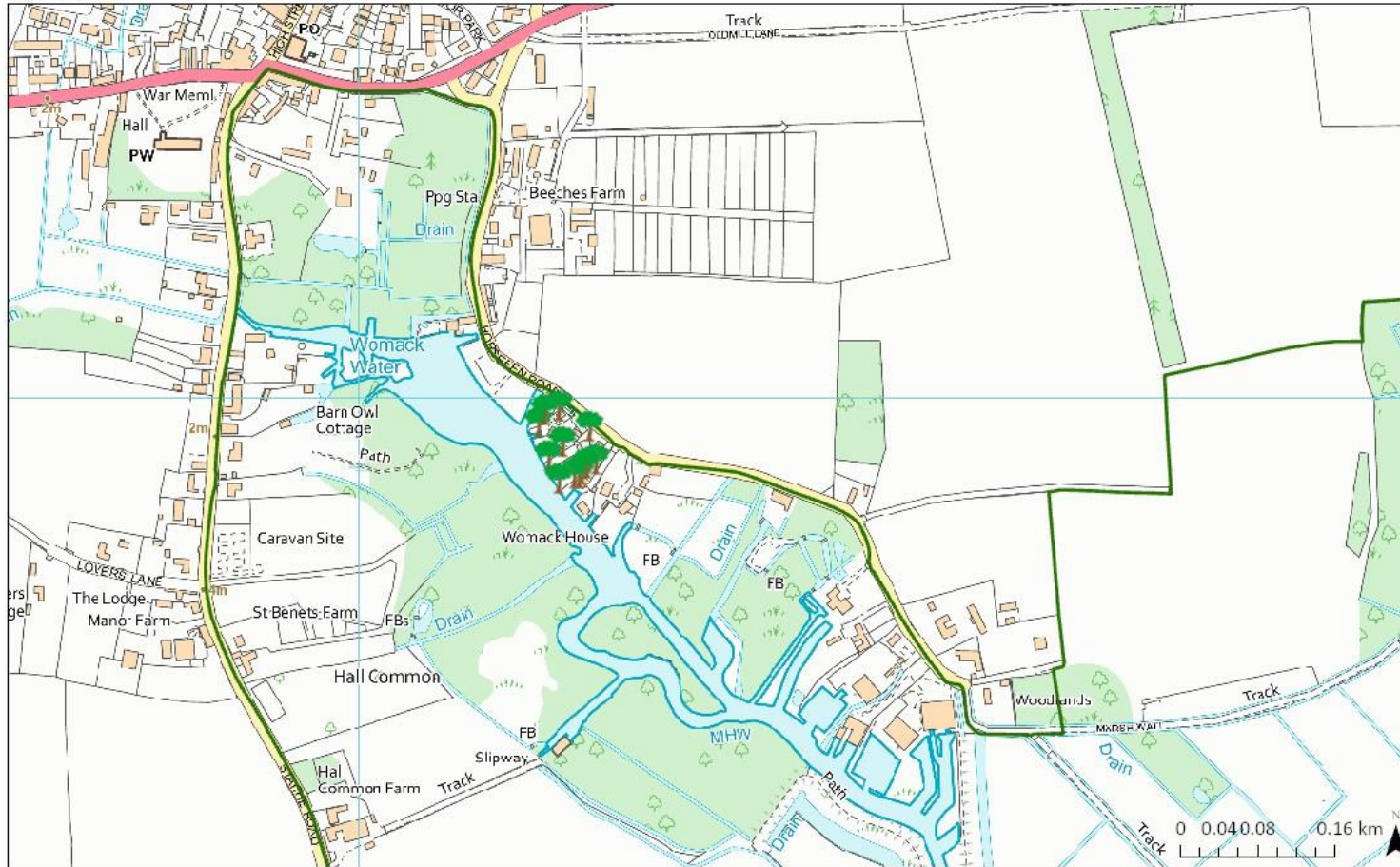
Background papers: TPO (BA/2023/0020/TPO) file

Appendix 1 – Location map

# Appendix 1 – Location maps

BA/2023/0020/TPO - Land From North Of The Acorns To Fen Hollow, Horsefen Road

Scale: 1:5,000



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TPO Point

