

# Planning Committee

06 March 2020

Agenda item number 16

## Two Tree Preservation Orders (TPOs) at Hoveton – site visit

Report by Head of Planning

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### Summary

Two provisional Tree Preservation Orders (TPOs) have been served in Hoveton. One is on a Scots Pine tree in Brimbelow Road and the other on an Alder and a Norway Maple on Station Road. Objections from the landowner or leaseholder have been received. It is the Authority's practice for Members to visit a site prior to confirming a TPO where there has been an objection raised.

### Recommendation

That Members of the Planning Committee undertake a site visit.

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## 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 two trees at Hoveton.

## 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 a development proposal, either through a formal planning application or a pre-

application discussion. At a site visit or when looking at photos or other visual representation, a case officer will see there is a tree on the site which is potentially of amenity value and under threat from the proposed development and this will trigger the TPO process. The case officer will consult the Authority's arboricultural adviser and he 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 to be confirmed (i.e. where no objections have been received) 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. Two Potential Tree Preservation Orders at Hoveton**

#### **Site at Brimbelow Road**

- 3.1. The first site is located on Brimbelow Road in Hoveton and comprises a detached residential property, which has a curtilage that extends from the public highway on the eastern boundary to a dyke off the River Bure in the west. Brimbelow Road has a strongly domestic character, with small trees and shrubs in the residential gardens.
- 3.2. The subject tree is a substantial mature Scots Pine located on the roadside boundary and slightly to the north of the property. The owners wish to fell the tree.
- 3.3. On 2 December 2019 a provisional TPO was served on the tree. This must be confirmed by 2 June 2020.
- 3.4. On 28 December 2019 a letter objecting to the TPO was received from the property's owner. The grounds of the objection included the size of the tree and its proximity to neighbouring properties, concerns about its future stability, impact on the drains and surface of the road and car park and the proximity to overhead cables.

#### **Site at Station Road**

- 3.5. The second site is located on Station Road in Hoveton and comprises land to the north of the premises of the former Waterside Rooms PH. The premises are a detached building, unoccupied for 20 years and 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 front to the south and a narrow strip of curtilage facing the public highway to the north.

- 3.6. Within in the northern curtilage there are two trees. One is a substantial Norway Maple and the second a smaller alder. Both make a significant contribution to the street scene, particularly because there are few other trees along this stretch. The leaseholders have submitted a draft scheme for the redevelopment of the site, which includes buildings right up to the back of the public footpath; this would necessitate the removal of the trees.
- 3.7. On 31 January 2020 a provisional TPO was served on the tree. This must be confirmed by 31 July 2020.
- 3.8. 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.

## 4. Recommendation

- 4.1. In accordance with the Authority's practice, it is recommended that Members undertake a site visit to view the trees prior to making a decision on the confirmation of the provisional TPOs.

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Background papers: TPO file

Appendix 1 – site plans

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