

# Planning Committee

10 November 2023

Agenda item number 9

## Tree Preservation Order (proposed site visit) – Butterfield House, 1 The Score, Northgate

Report by Historic Environment Manager

---

### Summary

A provisional Tree Preservation Order (TPO) has been served on an ash tree at Butterfield House, 1 the Score, Northgate, Beccles. A neighbour has raised an objection to the TPO. It is the Authority's practice for Members to be given the opportunity to undertake a site visit prior to considering a TPO where there has been an objection raised.

### Conclusion

Members of the Planning Committee will need to decide whether to undertake a site visit prior to the provisional TPO being taken to the next Planning Committee on 08 December for consideration.

---

## 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 an ash tree at Butterfield House, 1 the Score, Northgate, Beccles (BA/2023/0012/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 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 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 consultant 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 under delegated powers and for non-controversial TPOs (i.e. where no objections have been received) to be confirmed by officers under delegated powers.
- 2.6. Where an objection has been received as part of the consultation process, Members can decide to undertake a site visit to view the tree prior to making a decision on the confirmation.

### 3. Potential Tree Preservation Order at Butterfield House, 1 The Score, Northgate, Beccles

- 3.1. The subject tree is an ash tree.
- 3.2. The site is located on the eastern edge of the town of Beccles. It is within the Beccles Conservation Area. The Score runs from the Old Market towards the River Waveney. Butterfield House sits amongst a cluster of buildings on The Score, with its garden running down to the river's edge.
- 3.3. The site contains a number of trees but most prominently a large ash tree, which sits close to the boundary between this and the neighbouring property, The Old Maltings. The tree is a large mature specimen in good condition and due to its size it has amenity value across a wide area.
- 3.4. In May 2023 the Broads Authority received a notification of proposed works seeking consent to  
*"pollard the Ash tree to approximately 3m above the initial union at the top of the trunk. Removing approximately 8m of canopy, with a finished height of approximately 12m."* (BA2023/0195/TCAA).
- 3.5. The Authority's arboricultural consultant visited the site, inspected the tree and discussed the proposed works with the applicant on 22 May. From the inspection of the

tree it is clear that it is a mature specimen still in good condition with very high visual amenity as a key landscape feature and an integral part of the site and surrounding landscape. There is limited dead wood within the crown, and it was not considered an undue risk to persons or property in the immediate vicinity. It was the view of the Authority's arboricultural consultant that the proposed works would cause unnecessary damage and harm to the tree for little to no reason as the tree is not deemed at present a risk. The reduction in height would also reduce the amenity value of the tree.

- 3.5. On 13 July 2023 a provisional TPO was served on the tree. This must be confirmed by 13 January 2024.
- 3.6. On 24 July 2023 a letter objecting to the TPOs was received from a neighbour. The grounds of the objection are that the tree is huge (around 30-40m high) and that it stands only 2m from their boundary. Its branches hang more than half way across their lawn. As such it blots out the sun for most of the day and in autumn there are branches blown down on to their lawn and clusters of leaves that cover their lawn. They think that it is a health and safety hazard and should be reduced in height.

## 4. Next steps

- 4.1. The Authority's practice is for the Planning Committee to decide whether to undertake a site visit before considering any TPO where an objection has been received as part of the consultation process.
- 4.2. It is the practice of the Authority to append a Statement of Case, setting out the representations made and the Authority's response so that Members are clear on the issues to be considered. This is attached at Appendix 1.
- 4.3. Should the Planning Committee decide that they would like a site visit that would enable them to see the tree within its context, it must be held with consideration for the next Planning Committee meeting's report deadline of 24 November 2023.
- 4.4. A further report will be presented to the 08 December 2023 meeting of the Planning Committee with recommendations regarding the confirmation of the TPO.

## 5. Conclusion

- 5.1 That Members should decide whether it is necessary to undertake a site visit to the site which is the subject of the provisional TPO.

Author: Kate Knights

Date of report: 30 October 2023

Background papers: TPO file BA/2023/0012/TPO and BA/2023/0195/TCAA

Appendix 1: Statement of Case

Appendix 2: Location maps

# Appendix 1 – Statement of Case – Provisional TPO at Butterfield House, 1 The Score, Northgate, Beccles

## 1. Introduction

- 1.1. This Statement of Case, outlines the issues under consideration. Members should consider this Statement of Case when considering whether to confirm the TPO and when carrying out the site visit (if relevant).
- 1.2. A single objection has been raised to the provisional TPO.
- 1.3. As well as the points raised in section 2, there are other considerations. The tree is a mature specimen with considerable future life expectancy. The tree has high visual amenity as a mature specimen clearly visible from the adjacent river and properties and therefore of benefit to the general public; trees increase resilience to climate change and improve air quality in the area, aid biodiversity and encourage wildlife.

## 2. Representations and responses

- 2.1. The issues raised by the objector and Authority’s Arboricultural Consultant’s response are set out below:

No.	Representation	Response
1.	<p>The tree although a fine specimen is huge and must be between 30 to 40 meters high! It stands only about 2 meters from my garden and it’s branches hang more than half way over my lawn. It blots out the sun for most of the day and every autumn when we get Westerly gales, branches are blown down onto my lawn and last year a branch blew down that was too heavy to lift. Also in the autumn it sheds clusters of leaves that cover my lawn for days on end. I think it is a health and safety hazard! I am not talking about felling this tree, but I think it should be tastefully reduced by an expert.</p>	<p>The tree is a large tree that overhangs the adjacent garden. The tree is on the northern aspect of the garden of The Score and therefore, whilst it does overhang the garden the shading caused by the tree will be minimal. Unfortunately, strong gales and storms will affect trees and cause minor damage but this is not considered a acceptable reason to undertake such drastic works. The risk of falling deadwood can be managed without the need for such works. With regards the falling leaf litter this is an accepted part of living with trees and not considered a reason to justify drastic tree works.</p> <p>The Broads Authority is willing to work with all parties to allow the suitable management of the tree in order to maintain its high visual amenity as well as the safety and well being of those persons and property potentially affected by the tree.</p>

## Appendix 2 – Location maps

BA/2023/0012/TPO - Butterfield House, 1 The Score, Northgate, Beccles

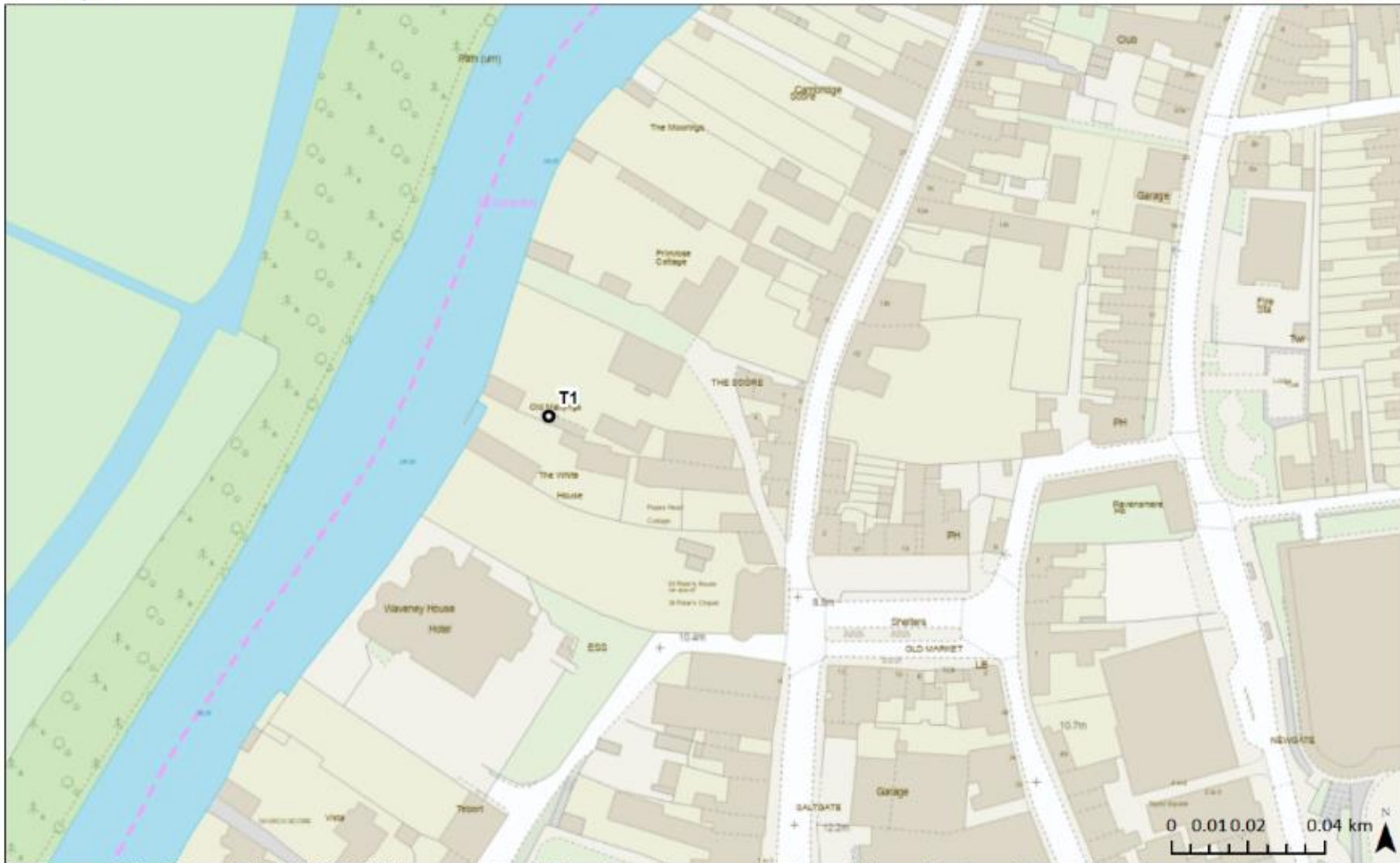
Scale: 1:10,000



© Crown copyright and database rights 2021 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. Bluesky International Ltd. / Getmapping PLC



© Crown copyright and database rights 2021 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. Bluesky International Ltd. / Getmapping PLC



© Crown copyright [and database rights] 2023 OS AC0000814754. 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-license, distribute or sell any of this data to third parties in any form. Bluesky International Ltd. / Getmapping PLC