

Planning Committee

29 May 2020

Agenda item number 12

TPO report: The Firs, Brimbelow Road, Hoveton

Report by Historic Environment Manager

Summary

It is proposed that Members are provided with a virtual site visit for a provisional Tree Preservation Order (TPO) that has been served on a Scots pine at The Firs, Brimbelow Road, Hoveton. It is the Authority's practice for Members to undertake a site visit prior to considering a TPO where there has been an objection raised. The landowner has raised an objection.

At Planning Committee on 6 March 2020 it was agreed that a site visit should be held on 26 March 2020. However due to social distancing requirements since the outbreak of Coronavirus this was postponed and will now be replaced with this virtual site visit.

Recommendation

It is proposed that following the virtual site visit, Members consider whether to confirm the TPO. The Authority's recommendation is that it is not 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 a Scots pine tree at The Firs, Brimbelow Road, Hoveton (BA/2019/0002/TPO).
- 1.3. The site at The Firs, Brimbelow Road, Hoveton sits on the west side of Brimbelow Road. The site was redeveloped with a two bedroom holiday chalet (BA/2013/0326/FUL and renewed permission BA/2014/0344/FUL). As part of the initial assessment of the site, the Scots pine was identified as being of high visual amenity and landscape value and potentially under threat from the works so a provisional TPO was served in 2014 to ensure that the tree was retained.

- 1.4. As building work proceeded, the risk to the tree was re-assessed and consequently the TPO was not confirmed, although conditions were attached to the permission to ensure the retention of the tree.
- 1.5. During subsequent discussions between the Authority's tree consultant and the site owner in 2019, it became clear that the tree was again under threat. A provisional TPO was served due to the tree's contribution to the amenity of the local area.
- 1.6. The Tree Preservation Order will lapse if it is not confirmed by 2 June 2020.

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 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 under delegated powers and for noncontroversial TPOs (i.e. where no objections have been received) to also 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. At the meeting of the Planning Committee on 6 March 2020 Members received a report on this provisional TPO following an objection to it and it was resolved to undertake a site visit on 26 March 2020. Due to the Coronavirus pandemic the site visit did not take place.

3. Update

- 3.1. Subsequent to the 6 March meeting, the Authority's tree consultant has revisited the site. At this visit it became clear that there has been some recent movement to the tree, causing significant new cracks and deformation of the adjoining road surface. This has taken place since the last visit in the autumn of 2019. It is not known what has caused this, but it is noted that there have been exceptionally high water levels over the winter.
- 3.2. It has been necessary to review the assessment of the tree in light of this and, whilst it is the case that the tree continues to make a positive environmental contribution and has sufficient amenity value to support its continued protection by the confirming of the TPO, the new cracking at the base of the tree must be taken into account. With the structural integrity of the tree's rootplate now in question it would be unwise to confirm the TPO as its retention may not be the most appropriate option for the future.
- 3.3. In accordance with the Authority's practice, it is recommended that Members undertake the virtual site visit to view the tree and then make a decision on the confirmation of the provisional TPO.
- 3.4. Given the Government's requirement for social distancing due to the Coronavirus pandemic, this will be a 'virtual' site visit that will still enable Members to see the tree within its context, including being able to view the recent cracking.

4. Recommendation

- 4.1. Given the altered circumstances, it is recommended that the provisional Tree Preservation Order at The Firs, Brimbelow Road, Hoveton is not confirmed.

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Background papers: TPO BA/2019/0002/TPO file

Appendix 1 – Location Map

Appendix 1 – Location map



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