

# Planning Committee

08 December 2023

Agenda item number 9

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

Report by Historic Environment Manager

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### Summary

A Provisional Tree Preservation Order (TPO) has been served on a tree at Butterfield House, 1 The Score, Northgate, Beccles.

A single objection to the TPO was received and a site visit was attended by Members on 22 November 2023.

### 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 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 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. Where an objection has been received as part of the consultation process, TPOs are brought before the Planning Committee for decision, and Members may undertake a site visit to view the tree prior to making the decision.

### **3. The potential Tree Preservation Order at Butterfield House, Beccles.**

- 3.1. 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.
- 3.2. 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, being visible from across the wider landscape and the river to the west and from Northgate within the town to the north-east.
- 3.3. A section 211 notification, Tree Works application reference BA/2023/0195/TCAA, was submitted by the owner. The proposal was to pollard the tree to approximately 3 metre above the initial union at the top of the trunk and to remove 8m of canopy with a finished height of approximately 12 metres. It was considered that the proposed works would cause unnecessary damage to the tree for little or no reason as the tree is in good condition and is not considered a risk. The reduction in height would also reduce the significant amenity value of the tree.
- 3.4. On 13 July 2023 a provisional TPO was served on the tree.

- 3.5. On 24 July 2023 a letter objecting to the TPO 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 the neighbour’s boundary. Its branches hang more than halfway across the neighbour’s lawn. As such it blots out the sun for most of the day and in autumn there are branches blown down on to the neighbour’s lawn and clusters of leaves that cover it. The neighbour considers the tree to be a health and safety hazard and believes it should be reduced in height.
- 3.6. On 22 November 2023 Members undertook a site visit to view the tree in its immediate and wider context. The notes of the site visit are attached at Appendix 2.

## 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 tree detailed in this report is worthy of a TPO due to the contribution that it makes to the street scene, as explained at 3.2 above. There are also other considerations, such as how trees increase our resilience to climate change, improve air quality in the area, provide shade, and aid biodiversity and encourage wildlife.
- 4.3. An objection has, however, been received and the following Statement of Case sets out the objection formally, along with the response from the arboricultural advisor.

No.	Representation	Response
1.	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 its branches hang more than halfway 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!	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 unfortunately this is not considered an 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.

No.	Representation	Response
	I am not talking about felling this tree, but I think it should be tastefully reduced by an expert.	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.

4.4. 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 (BA/2023/0012/TPO) at Butterfield House, 1 The Score, Northgate, Beccles is confirmed.

Author: Kate Knights

Date of report: 13 November 2023

Background papers: TPO (BA/2023/0012/TPO) file and Tree Works (BA/2023/0195/TCAA) file

Appendix 1 – Location map

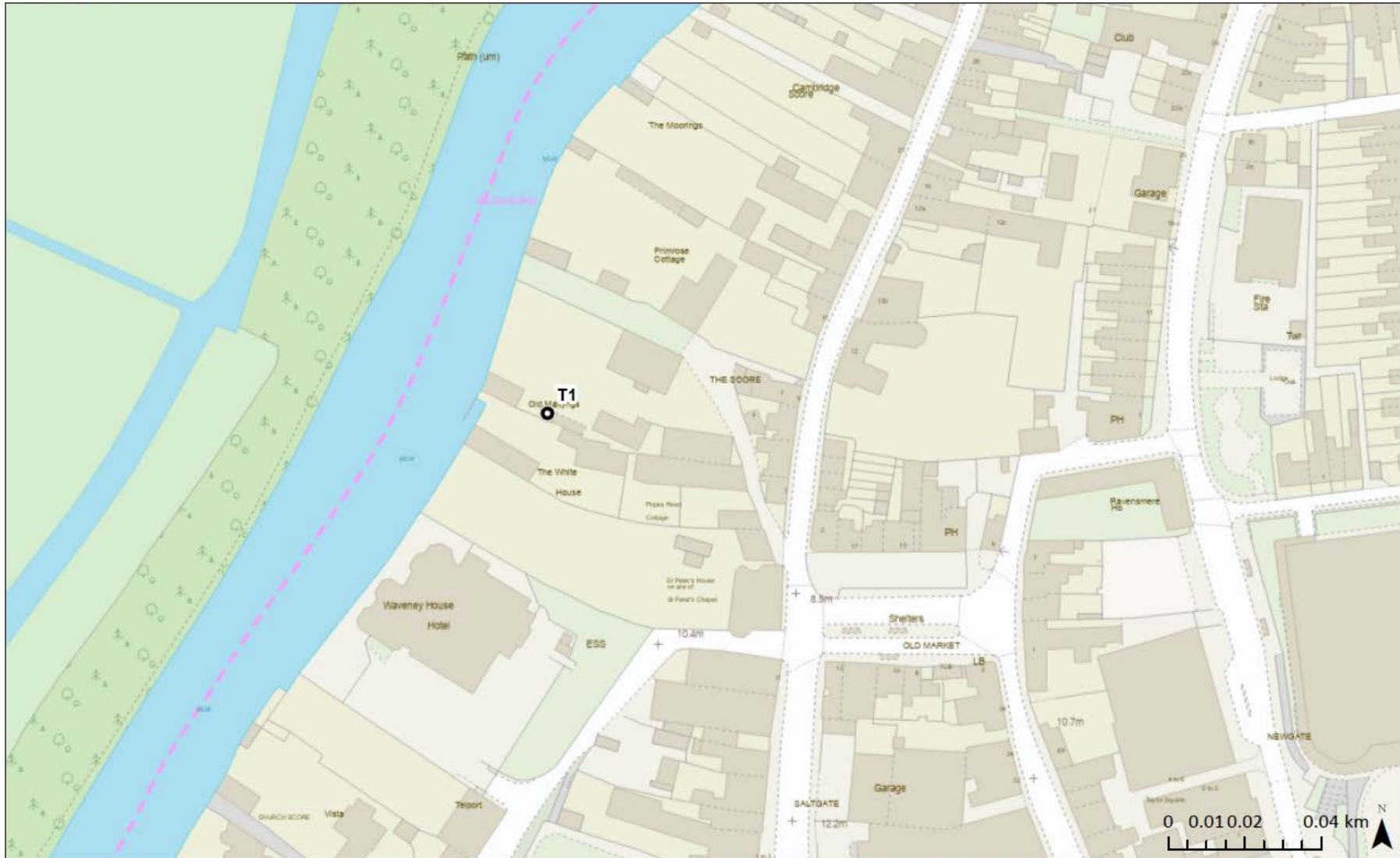
Appendix 2 – Notes of site visit on 22 November 2023

# Appendix 1 – Location map

BA/2023/0012/TPO - Butterfield House, 1 The Score, Northgate, Beccles  
Scale: 1:10,000



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## Minutes of the site visit held on 22 November 2023

### Present

Harry Blathwayt – in the Chair, Bill Dickson, Tim Jickells, Kevin Maguire and Fran Whymark.

### In attendance

Jason Brewster – Governance Officer, Stephen Hayden – Arboricultural Consultant and Kate Knights – Historic Environment Manager.

### Members of the public in attendance

Andrew Hall – objector, Shaun Jeffrey – the objector’s gardener, Sam Hunt – Cllr for Beccles Town Council and Peter Smith – observer on behalf of the Broads Society.

## 1. Apologies

Apologies were received from Stephen Bolt, Tony Grayling, James Harvey, Martyn Hooton, Keith Patience, Vic Thomson and Melanie Vigo di Gallidoro.

## 2. Introduction

Members met at the car park on the west side of Beccles Old Bridge on the southern side of Gillingham Dam.

The Chair welcomed everyone and invited attendees to introduce themselves.

The Chair reminded Members of the protocol associated with a site visit emphasising that it was purely a fact finding exercise and no decision would be made at this visit. The Tree Preservation Order (TPO) would be considered for confirmation at the next committee meeting on Friday 8 December 2023. The aim of the visit was not to debate the issues, but to enable Members to see the site and its context, and to make sure all participants were satisfied that Members have seen all the appropriate details of the tree and viewed it from various aspects.

Members were reminded:

- To be as impartial as possible before, during and after the visit.
- To avoid discussing the TPO with owners/tree surgeon or objectors before, during or after the site visit.
- If members wanted to ask questions of any party, this should take place only when the whole group was present.

### 3. BA/2023/0012/TPO an Ash tree at Butterfield House, 1 The Score, Northgate, Beccles

The Heritage Environment Manager (HEM) reminded Members that they had received a report on this Tree Preservation Order at the last Planning Committee on Friday 10 November 2023 (all attendees had been provided with a link to this report published on the Authority's website).

The HEM provided an overview of the Tree Preservation Order:

- 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).
- The Authority's Arboricultural Consultant (AAC) visited the site, inspected the tree and discussed the proposed works with the applicant on 22 May. It was the view of the AAC that the proposed works would cause unnecessary damage and harm to the tree for little to no reason as the tree was not deemed at present a risk.
- On 13 July 2023 a provisional TPO was served on the tree. This must be confirmed by 13 January 2024.
- On 24 July 2023 a letter objecting to the TPO was received from a neighbour. The grounds of the objection were that the tree was 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 thought that it was a health and safety hazard and should be reduced in height.

Members followed the footpath along the western bank of the river to access vantage point A (see the map in Appendix 1). At the first mooring the AAC directed Members attention to the Ash tree as its crown was clearly visible against the sky. The AAC described where the proposed reduction in height of the crown would be relative to the existing branches of the Ash tree, which would equate to over half to two-thirds of the crown being removed. The AAC believed that the Ash tree was between 75-80 years old and confirmed that it showed no signs of Ash dieback disease. The AAC commented that there would be no objection to necessary and reasonable management of the Ash tree.

Members continued along the footpath to vantage point A, across the river, opposite the rear of Butterfield House. The HEM pointed out the location of the owner's property, Butterfield House.

Members returned to the car park and the visit was adjourned at 10:30am in order for Members travelling by car/bike to drive/cycle to Waveney House Hotel on Puddingmoor Lane, with Fran Whymark walking to Butterfield House.



The visit resumed in the car park of the Waveney House Hotel at 10:40am and Members walked to Butterfield House on The Score where they met Fran Whymark.

The Chair welcomed Mr Andrew Hall, the objector and Mr Shaun Jeffrey, the objector's gardener who were in attendance.

For the benefit of the new attendees, the Chair restated that this was a fact finding exercise and no decision would be made at this visit. The TPO would be considered for confirmation at the next committee meeting on Friday 8 December 2023.

Members viewed the Ash tree from the garden of Butterfield House.

Members viewed the Ash tree from the objector's garden, the immediate neighbour to Butterfield House on its northern boundary. Members noted the orientation of the objector's garden with respect to east, south and west and relative to the Ash tree.

Mr Hall asked whether there was any Ash dieback disease reported locally. The AAC responded that this disease was present in Suffolk. The AAC added that large mature Ash trees seemed more resilient to this fungal disease and that the proposed works to pollard the crown of the tree would likely reduce the tree's resilience to the disease, with the new growth being more susceptible to the pathogen, and consequently lead to a reduction in the tree's expected lifespan.

The Chair thanked Mr Hall for allowing the committee to visit.

Members left the objector's garden and walked to the end of The Score and entered the grass covered lane leading to the river to view the tree from vantage point C.

Members proceeded to leave The Score via the steps leading to Northgate where they could view the Ash tree from vantage point D.

Members then headed south along Northgate and entered the Old Market to reach vantage point E where the top of the crown of the Ash tree was visible over the buildings to the west of the Old Market.

## **4. Conclusion**

The Chairman confirmed that the TPO would be considered for confirmation at the next Planning Committee meeting on Friday 8 December 2023 meeting. The Chairman thanked everyone for attending the site inspection.

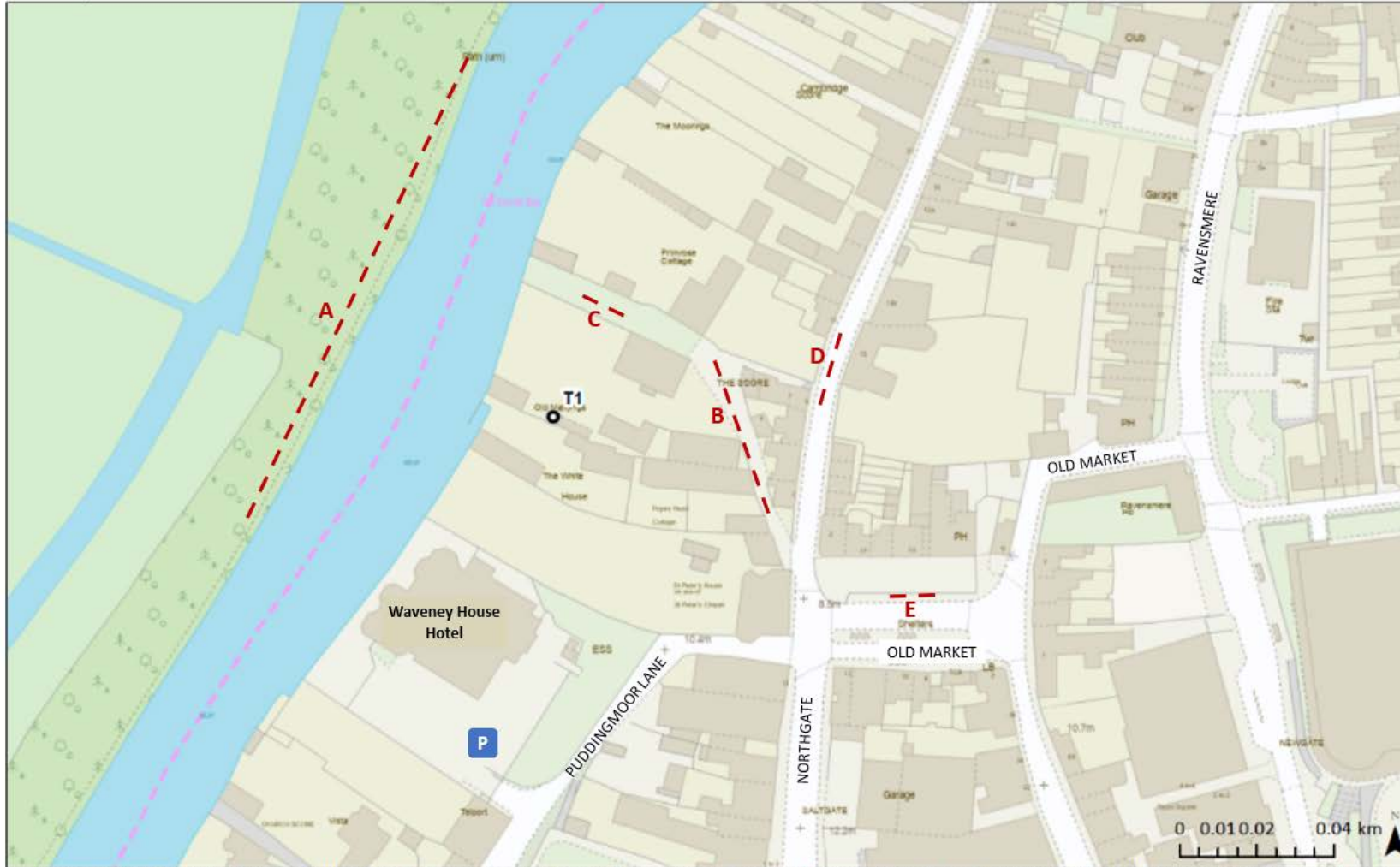
The meeting was closed at 11:05am.

# Appendix 1 – Map of site visit vantage points

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

Scale: 1:1,250

Recommended vantage points



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