

NNDC (CROMER) 2022 No. 8 - Land Rear Of The Poplars TPO/22/0997

To consider whether to confirm a Tree Preservation Order (TPO) to protect one lime tree at the rear of the above site.

BACKGROUND

The dwelling at 29 Vicarage Road was converted from one dwelling house to three flats. The permission was granted under planning reference PF/03/1946.

At this time the lime tree in the rear garden space was considered and was judged important to retain. In condition 5 of the decision, it is set out;

5) The tree which is indicated on the approved plan to be retained shall not be topped, lopper, uproots, felled or in any other way destroyed, within ten years of the date of this permission, without prior consent of the Local Planning Authority in writing.

Reasons

- 1) The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990
- 2) To ensure the satisfactory layout and appearance of the development in accordance with policy 13 of the adopted North Norfolk Local Plan.
- 3) To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety, and in accordance with Policy 11 of the adopted North Norfolk Local Plan
- 4) In order to protect the trees on site, in accordance with the requirements of the adopted North Norfolk Local Plan

The tree continues to contribute positively to the area and is visible from several properties at Vicarage Road and St Mary's, the rear access road is well used by residents.

The authority received tree work application TW/22/2513 - *To fell and grind the stump, poison roots that are left as per attached quotation.*

The tree was reinspected and found to be in good condition, with regular pollard maintenance being carried out. There was some surface damage to roots through parking activities.

To allow the removal of the tree in these circumstances is contrary to policy, there is no demonstrable public benefit, exceptional circumstance or substantiated justification. In this instance it appears that car parking is a primary

concern. Retaining and protecting the tree conserves the character and appearance of the area, the tree continues to contribute positively to biodiversity, and it plays a small part in mitigating against the impacts of climate change.

REPRESENTATIONS

Objections to the Order: One email representing the residents at the property has been received objecting to the Order.

Support of the Order: None

| Summary of Objections | Officer response |
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| <p>The car parking space is narrow and difficult to use, especially with larger vehicles and heavier use of the area</p> | <p><i>I can understand the frustration experienced negotiating car parking in a small space with lots of others using the area.</i></p> <p><i>Previously, owners of the flats were able to park and that they were able to do so respectfully. I have received no confirmation measures have been explored between the homeowners on setting out positioning of vehicles or other monitoring of the area to help make sure the car parking is being done in an appropriate way.</i></p> |
| <p>Parking at Vicarage Road is also difficult and busy</p> | <p><i>A Traffic Regulation Order to address visitors parking on Vicarage Road may provide a more permanent solution to the parking problems on Vicarage Road.</i></p> <p><i>A request for new TROs is normally made to Norfolk County Council via the local Town Council who will represent a wider consensus of the community need. I am sure you are not the only resident on Vicarage Street finding parking difficult.</i></p> |
| <p>The condition was only valid for 10 years, the room for parking and manoeuvring is no longer available.</p> | <p><i>The conversion of the dwelling house to flats considered the tree and retained it specifically.</i></p> <p><i>The conversion was acceptable because the tree was retained.</i></p> |

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| <p>The tree does not contribute to amenity and the view is blocked for residents of St Mary's Road by the garages</p> | <p><i>The tree is clearly visible from a number of places, as the only tree at the rear of the properties it remains important to retain.</i></p> |
| <p>Residents are concerned the tree will affect the wall's stability</p> <p>The tree roots are protruding from the ground and may cause damage to property and the road.</p> | <p><i>The tree has been regularly maintained as a pollard, this means the tree's size is controlled by regular cutting back to the knuckles. It will not grow substantially bigger, no evidence of damage to the wall or road has been provided</i></p> |

HUMAN RIGHTS IMPLICATIONS

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's human rights, and the general interest of the public, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

MAIN ISSUES FOR CONSIDERATION

- 1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.**

Officers are satisfied that the proper procedures were followed when serving the Order.

- 2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.**

Officers consider that the woodland makes a significant contribution to the quality of the local environment and its enjoyment by the wider public and that therefore has high amenity value.

RECOMMENDATION:-

That the Order be confirmed with modification.

Officer: Imogen Mole - Senior Landscape Officer