

NNDC (FELMINGHAM) 2023 No. 13 - Land at The Grange TPO/23/1014

To consider whether to confirm a Tree Preservation Order (TPO) to protect an area of mixed species trees at the above site.

BACKGROUND

The property was brought to Officer's attention when application PF/23/0954 was received to reinstate site access. The documents associated with the application illustrated the plot subdivided and a simple tree removal plan showing the removal of an unmaintained conifer hedge at the site frontage to allow visibility splay.

It is foreseeable that this access and subdivision of the site is a precursor to further development plans and without accurate arboricultural information provided, the site was assessed as at risk of deliberate pre-development degradation.

Aerial maps show the site has been relatively recently planted with trees, providing a verdant boundary to the western extent of the settlement of Felmingham and situated on a slight incline the trees are visible from a wide perspective including "Felmingham footpath 4".

The trees are mixed species with oaks, ash, sycamore, birch with ornamental and conifer species.

In this instance an area category was served, the area category is intended for short-term protection and may not be capable of providing appropriate long-term protection.

The Order is a holding position, a temporary measure till more detailed information about the trees on site can be submitted as part of any future planning application.

REPRESENTATIONS

Objections to the Order: One letter has been received objecting to the Order.

Support of the Order: None

Summary of Objections	Officer response
<p>The trees are not at risk, I have owned the land for 25 years and carefully managed the site, I am demonstrating I'm a good custodian of the trees. I highly value the trees and wildlife the site brings. I have no wish for this to be destroyed.</p>	<p><i>The trees have not been pre-emptively felled and the owner has demonstrated they are a good custodian of the site.</i></p>
<p>The planning application sets out tree removal that is required by Highways for visibility splays</p>	<p><i>The reports submitted as part of the previous planning applications illustrate the tree removal required for the access works.</i></p> <p><i>There are no objections raised to the removal of the unmaintained conifers at the site entrance to provide the visibility splay.</i></p>
<p>The TPO would be an administrative burden</p>	<p><i>It is true to say a tree work application would be required for future maintenance works.</i></p> <p><i>The application is free and most tree surgeons will be able to do this on your behalf.</i></p> <p><i>We are also able to set up an ongoing permission for regular maintenance works where necessary.</i></p> <p><i>The removal of dead trees and deadwood is exempt from the usual requirement to apply.</i></p>
<p>Aerial photos show the site is recently planted but now has excellent mature tree coverage</p>	<p><i>Agreed, the area has recently been planted and is now maturing into an important tree'd area. Some tree removal may come forward as part of future plans but by serving the Order we ensure it is carried out in a considered way.</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 area of trees at The Grange make a significant positive contribution to the quality of the local environment and its enjoyment by the wider public and that therefore the site has high amenity value.

RECOMMENDATION:-

That the Order be confirmed with modification.

Officer: Imogen Mole - Senior Landscape Officer