

<b>AGENDA ITEM NO. 12</b>	
<b>PLANNING COMMITTEE</b>	
<b>Date</b>	<b>08 February 2023</b>
<b>Title</b>	TPO 04/2022

### **1. PURPOSE**

**The purpose of this report is to advise members of the current situation in respect of confirmation of a Tree Preservation Order (TPO) at Shallon, Cats Lane, Tydd St Giles.**

### **2. SUMMARY**

Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to Planning Committee where objections to the Order are received.

#### Background

In August 2022, the LPA received a request from the owner of Shallon to address the protection of trees to their eastern boundary, in respect of a prospective planning application on the adjacent land F/YR22/0935/O for the erection of up to 3 dwellings (Agenda Item 11, 08 Feb 2023).

Following site visits and consideration of the proposal, FDCs Arboricultural Officer concluded that the trees (T1 Norway Maple and T2 Oak) were in good health and contributed to the overall amenity and biodiversity value in the area and thus warranted formal designation.

#### TPO objection

The LPA has received one letter of objection from a local resident, set out in more detail in the below assessment.

#### Conclusion

The trees, subject of this order, are in good condition, considered important to the character of the area and will contribute to the amenity and biodiversity value of the site. The confirmation of the TPO will give the Local Planning Authority control over 'inappropriate' works, allowing the LPA to impose conditions requiring replacement trees if necessary.

### **3. RECOMMENDATION**

**It is recommended that members confirm proposed TPO 04/2022 in respect of 1no. Norway Maple and 1no. Oak at the application site.**

<b>Forward Plan Reference No.</b> (if applicable)	N/A
<b>Portfolio Holder(s)</b>	N/A
<b>Report Originator</b>	Danielle Brooke, Senior Development Officer
<b>Contact Officer(s)</b>	David Rowen, Development Manager
<b>Background Paper(s)</b>	N/A

## **1. BACKGROUND**

- 1.1. In August 2022, the LPA received a request from the owner of Shallon to address the protection of trees to their eastern boundary, in respect of a prospective planning application on the adjacent land F/YR22/0935/O for the erection of up to 3 dwellings, which is Agenda Item 11 on today's Committee Agenda (08 February 2023).
- 1.2. Following site visits and consideration of the proposal, FDCs Arboricultural Officer concluded that the trees (T1 Norway Maple; and T2 Oak) were in good health and contributed to the overall amenity and biodiversity value in the area and thus warranted formal designation.
- 1.3. There are other TPO trees within and in the vicinity of the site, including TPO 01/1992 that includes trees to the northern, western and southern boundaries of the property and TPO 02/2016 that includes an area of trees to the western boundary of the property to the south of Shallon fronting Cats Lane.

## **2. PROPOSAL**

- 2.1. The Order TPO 04/2022 encompasses 1x Norway Maple, 1x Oak, and is detailed on the accompanying plan.

## **3. CONSULTATIONS**

### **3.1. FDC Arboricultural Officer**

*Individual TPO including the following species:*

*1 – Oak (Quercus sp.)*

*1 – Norway Maple (Acer sp.)*

*Shallon is a residential property on the east side of Cats Lane (B1165) on the northern edge of Tydd St Giles.*

*Cats Lane has belts of trees on both sides and generally the large residential properties have wooded plots.*

*There is ongoing development in Tydd St Giles and a number of trees have been removed over time.*

*The tree owners have requested TPOs are placed to ensure their long-term retention and protection from any future developments that may take place.*

*The trees are of long-term potential and will contribute to the tree cover and amenity of the area.*

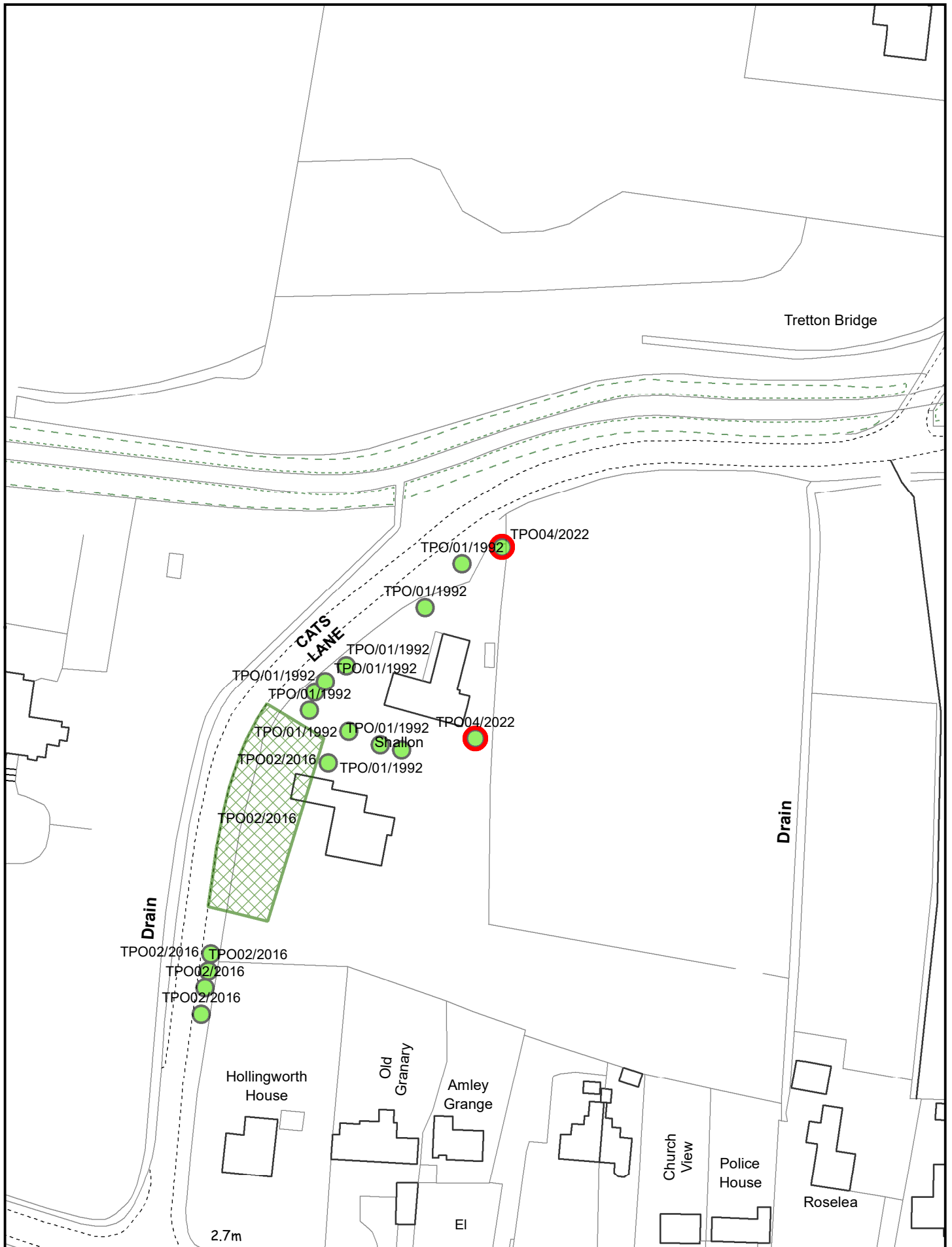
### **3.2. Local Residents/Interested Parties**

An objection to the TPO was lodged by the applicant of planning application F/YR22/0935/O, a local resident of Tydd St Giles themselves. Reasons for objection are outlined in more detail below.

- Questions the validity, 'true reason', and timing behind the application for the TPO, is this an agenda merely intended on preventing development on the adjacent site under 22/0935?;
- Electrical works at the site to the south of Shallon in February 2022 caused trenches to be dug along areas of existing TPOs (01/1992), with no apparent comment or comeback from the owners of Shallon; queries as to whether this work was authorised by the Arboricultural Officer;
- Further fencing works in August 2022 at Shallon have disrupted/damaged the specific trees under consideration of protection herein;
- Claims that trees have been removed from the Shallon site. (N.B. No planning history could be found for the apparent removal of TPO trees.)

#### **4. CONCLUSION**

- 4.1. The purpose of the TPO is for the protection of trees of high value at the site. The confirmation of the TPO will require applications to fell or undertake works to any of the trees covered by the TPO. Notwithstanding, the placement of a TPO does not necessarily prevent tree works or even removal, but gives the Local Planning Authority control over 'inappropriate' works, and ensures that replacement trees can be required.
- 4.2. Consideration has been given to the objection received however the trees are in good condition, considered important to the character of the area and will contribute to the amenity and biodiversity value of the site.



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**TPO04/2022**

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