

Planning Committee

06 December 2024

Agenda item number 11

BA/2024/0015/TPO The Island, Yarmouth Road, Thorpe St Andrew – Site Visit

Report by Historic Environment Manager

Summary

Objections have been received for a provisional Tree Preservation Order (TPO) and, as required by the Authority's Scheme of Delegation, this TPO will need to be determined by the Planning Committee. This report considers whether a site visit is required prior to the determination of the TPO.

Recommendation

That Members of the Planning Committee do not undertake a site visit for provisional TPO at The Island, Yarmouth Road, Thorpe St Andrew (BA/2024/0015/TPO).

1. Background

- 1.1. As part of its obligation as a Local Planning Authority (LPA), the Broads Authority is required to consider the serving of Tree Preservation Orders (TPOs) on trees which are considered to be of amenity value and where it is expedient to do so. The Town and Country (Tree Preservation) (England) Regulations) 2012 sets out the procedure relating to TPOs and government guidance (Tree Preservation Orders and trees in conservation areas, 2014) provides further information.
- 1.2. This report explains how this process has been carried out in respect of a woodland TPO at The Island, Yarmouth Road, Thorpe St Andrew (BA/2024/0015/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 the expediency of serving the Order. 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 it is not considered expedient to do so. When considering expediency, one of the factors considered by the LPA is whether the trees are 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 Consultant who 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 the LPA will consider whether a provisional TPO should be served. Alternatively, a TPO may be served if a Section 211 application for works to trees in a conservation area is not considered appropriate. The LPA must then either allow the works or serve a provisional TPO. This was the case in this instance.
- 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. 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.
- 2.4. The Authority's scheme of delegation allows provisional TPOs to be served under delegated powers and for non-controversial TPOs (i.e. where no objections have been received) to be confirmed by officers under delegated powers. Where an objection has been received as part of the consultation process, Members can decide to undertake a site visit to view the tree prior to making a decision on whether or not to confirm the TPO. Guidance on when it is appropriate to undertake a site visit is similar to that which applies in respect of a planning application. This is set out in Appendix 3 of the [Code of Practice for members of the Planning Committee and officers \(broads-authority.gov.uk\)](#). The circumstances in which this would be appropriate include:
- where the issues are finely balanced;
 - where the impacts on neighbour amenity or the wider landscape are difficult to envisage other than by site assessment; or
 - it is beneficial in the interests of local decision-making to demonstrate that all aspects of the proposal have been considered on site.
- 2.5. The grounds of the objection will be reported to the Planning Committee in order to inform the decision on whether or not to undertake a site visit, and a recommendation will be made by officers.
- 2.6. The details of the objection will only be discussed at the meeting where a decision is to be made on whether or not to confirm the TPO.

3. BA/2024/0015/TPO at The Island, Yarmouth Road, Thorpe St Andrew

- 3.1. The subject trees are a mixed broadleaved woodland comprising principally willow, ash, alder and silver birch trees.
- 3.2. The site is located on The Island (known as Thorpe Island). Thorpe Island sits to the south of Yarmouth Road and the River Yare, whilst the New Cut (now the main navigable route) is to the south of the island. The train line runs east west across the southern part of the island and Whitlingham Country Park is immediately to the south. The site in question is located towards the eastern end of the island, almost immediately opposite the attractive public area known as River Green. It is also visible from the train, river and Whitlingham Park.
- 3.3. The site contains an area of mixed broadleaved woodland, comprising mainly willow, ash, silver, birch and alder. The trees form part of a coherent group of woodland on The Island and are large trees with high visual amenity, within the Thorpe St Andrew Conservation Area and forming the backdrop to River Green.
- 3.4. A treeworks application was received to carry out works to 15 trees on this site. Following negotiation with the applicant the application was amended to carry out revised works to 12 trees, which was broadly acceptable. However, it was felt necessary to condition certain elements of the works to ensure that they were carried out appropriately and this can only be achieved via a TPO. It was also considered that in order to ensure the effective longer term management of the wooded area, a TPO would be appropriate.
- 3.5. On 15 August 2024 a provisional TPO was served on the woodland. This must be confirmed by 15 February 2025.
- 3.6. On 11 September 2024 a letter objecting to the TPO was received.

4. Site visit consideration

- 4.1. A copy of the objection(s) to the provisional TPO and the response(s) from the Authority's Arboricultural Consultant to the representation(s) received are set out in a Statement of Case, attached at Appendix 1.
- 4.2. The main issues raised by the objection(s) are: that the TPO is unnecessary as they are already effectively managing the woodland and the trees are already protected through the conservation area.
- 4.3. A presentation on the TPO will be provided at the 10 January 2025 meeting of the Planning Committee with photographs of the woodland and its context, including the neighbouring properties and the local area.
- 4.4. Officers are satisfied that Members can get a full and clear understanding of the woodland, its context and the issues raised in the objection from the presentation and

that a site visit is not required in order to make a considered and sound judgement in this case.

- 4.5. If a site visit is deemed necessary then it must be held with consideration for the report deadline of 20 December 2024 associated with the Planning Committee meeting when the TPO is to be determined.
- 4.6. The report for the 10 January 2025 meeting of the Planning Committee will detail recommendations for consideration regarding the confirmation of the TPO.

5. Recommendation

- 5.1. That Members do not undertake a site visit.

Author: Kate Knights

Date of report: 19 November 2024

Background papers: TPO BA/2024/0015/TPO file

Appendix 1: Statement of Case and location map

Appendix 1 – Statement of Case – Provisional TPO at The Island, Yarmouth Road, Thorpe St Andrew

1. Introduction

- 1.1. It is the Authority’s practice to provide Members with a Statement of Case, outlining the issues under consideration.
- 1.2. A single objection has been raised to the provisional TPO.
- 1.3. As well as the points raised by the objector and the Authority’s response which are set out in the table below, there are other considerations. The trees are relatively mature trees and as such will have some longevity of life; they are considered to contribute to the visual amenity of the area and are therefore of benefit to the general public; the trees increase resilience to climate change and improve air quality in the area, aid biodiversity and encourage wildlife.

2. Representations and responses

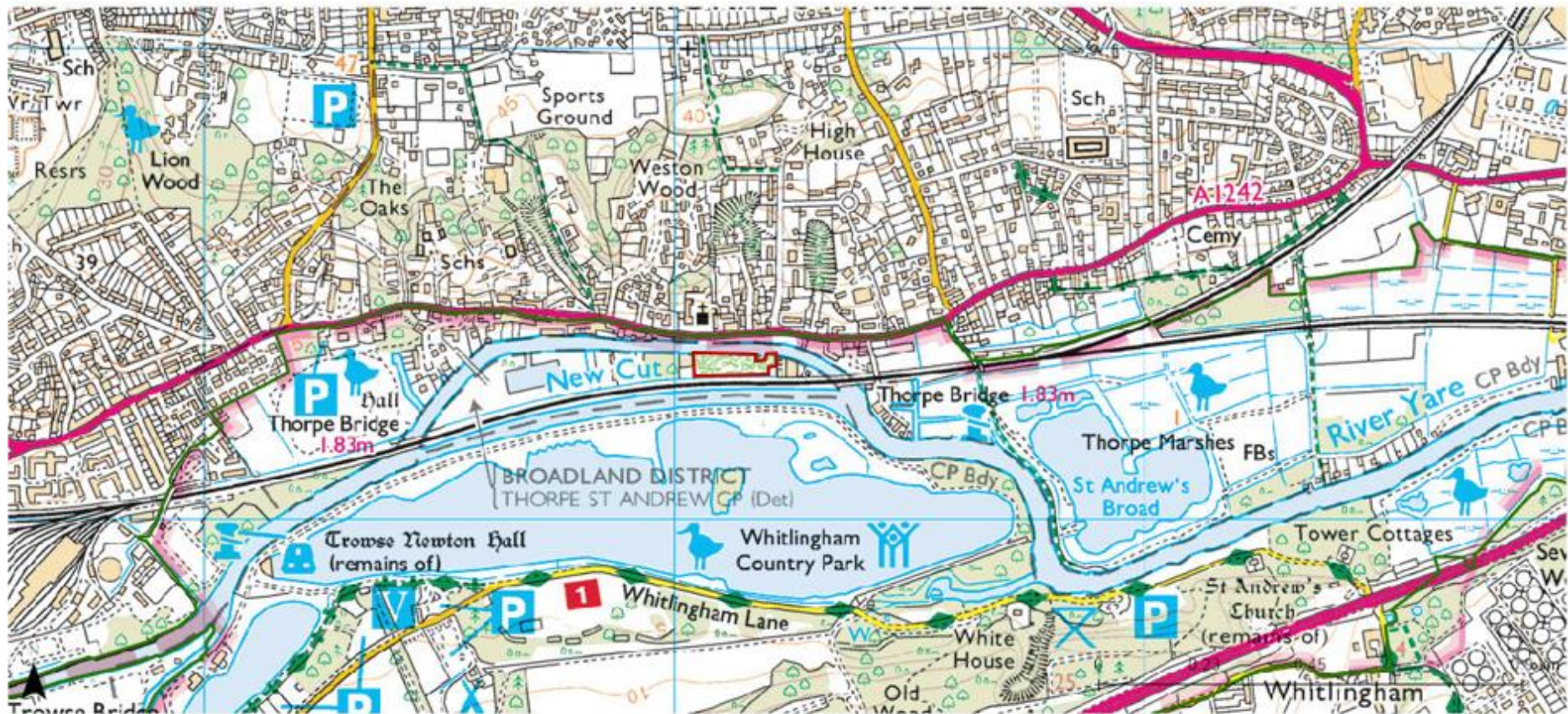
- 2.1. The issues raised by the objector and the Broads Authority’s Tree Consultant’s response are set out below:

No.	Representation	Response
1.	A TPO is unnecessary as the trees are already being effectively managed. They are in the process of creating a Woodland Management Plan with the aim of increasing native biodiversity, maintaining the health and safety of the trees and preserving the visual amenity of the woodland.	Whilst there is an understanding that a woodland management plan is to be produced, there is no formal arrangement for the management of the trees. Given the importance of the trees/woodland to the visual amenity of the site and surrounding area, it was considered necessary to serve the TPO to allow the management of the woodland as a whole rather than through ad-hoc Section 211 notifications of works to trees within a Conservation Area. This allows the Broads to enter into discussions when the proposed works are considered either inappropriate or unnecessary and to apply conditions to permissions where necessary.
2.	Perplexed as to why a TPO is being presented as the sole way to provide communication between themselves and the BA when the trees are	The objector is correct in that the serving of the TPO is not the sole way to provide communication between the applicant and the Broads Authority, but in this case with the size of the area, the numerous moorings and associated ‘plots’, the TPO does allow the Broads to enter into discussions where applications are made for tree

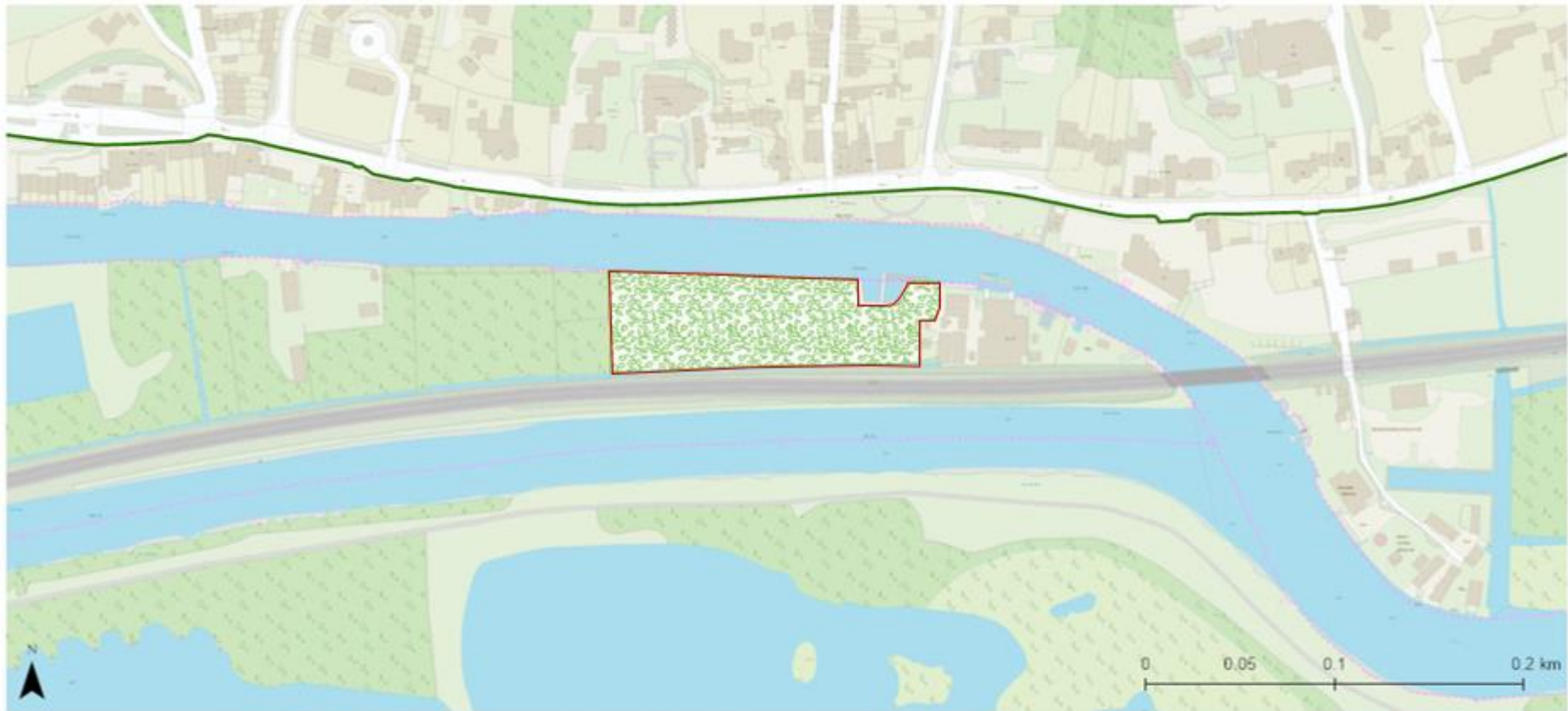
No.	Representation	Response
	already in a Conservation Area.	works and, where necessary, apply conditions when the proposed works are considered either inappropriate or unnecessary. The present situation, where the trees are protected by virtue of the Conservation Area only allows the Broads to either agree with proposed works or serve a TPO.

3. Location map

BA/2024/0015/TPO - The Island, Yarmouth Road, Thorpe St Andrew



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