



Report Reference Number: TPO 6/2019

To: Planning Committee
Date: 5th February 2020
Author: Will Smith (Planning Policy Officer)
Lead Officer: Ruth Hardingham (Lead Officer – Planning)

APPLICATION NUMBER:	TPO 6/2019	PARISH:	Riccall
TPO SERVED:	Signed 11 th November 2019 and Served 11 th November 2019	DEADLINE FOR CONFIRMATION:	11 th May 2020
LOCATION:	Rose Cottage 11 Church Street Riccall		

Summary:

In exercise of the powers conferred by section 198 of the Town and Country Planning Act 1990 this report will seek the permission of the Planning Committee to “Confirm, with no Modification”, Tree Preservation Order No. 6/2019 to which an objection has been received. In accordance with the scheme of delegation, the report to verify the Tree Preservation Order cannot be issued under delegated powers due to the objections received.

1. Introduction and background

1.1 The Site

- 1.1 The Tree Preservation Order (TPO) is located in the rear garden of Rose Cottage, Riccall, Church Street.
- 1.2 The house is located in the Southern extent of the Conservation Area in the historic core of Riccall. The area presents a mix of house types - primarily detached dwellings of various form and age, including various established trees throughout the street scene.
- 1.3 To the North of the site is Grade I Church of St Mary and immediately West is Grade II, 10 Church Street. To the South of the Beech tree is a further selection of

protected tree specimens including Lime, Whitebeam and Yew set within the properties of Orchard House and Kingston House and protected under TPO 3/1985.

1.3 Planning History

- 1.4 On the 15th July the Council received notice of the intent to remove a large Copper Beech tree from the Riccall Conservation Area (2019/0739/TCA). On the 21st August 2019, the case Officer under delegated powers resolved to object to proposals to remove the tree.

2.0 Scope of the Provisional Tree Preservation Order Ref 6/2019

- 2.1 The TPO was issued on the 11th November 2019 in the context of advice received by the District Council Landscape Architect and the TPO is principally informed by Officer Site visit and consideration of the applicants proposed removal. Having considered the contribution to local amenity and the Conservation Area, it was the officers' judgement that consideration should be given to the tree's long term protection. The tree is worthy of protection as an important, veteran tree offering seasonal colouration to the Conservation Area. The specimen is of a large size, one of the more significantly aged within the area and of exceptional form and condition.
- 2.2 It is noted that the applicant has also acknowledged and expressed the tree's qualities throughout this process and has welcomed proposals to allow for neighbour consultation and due process prior to any felling of the specimen.
- 2.3 The decision to issue the TPO was underpinned by the advice of the Council's Landscape Architect.

As such the TPO as served relates to:

- a) A single Copper Beech Tree (T1)

- 2.4 The plan associated with the TPO is attached with the Officers Report below (Appendix A).
- 2.5 An Order can be made to protect specific trees, groups of trees or woodlands in the interests of amenity and should be used where the trees removal would have a significant negative impact on the local environment and its enjoyment by the public. The Order comes into effect immediately on the day the Council makes it and this provisional status lasts for six months, unless the authority either confirms the Order to provide long-term protection or decides not to confirm it.

3.0 Representations

- 3.1 The TPO was served in accordance with the Town & Country Planning (Tree Preservation) (England) Regulations 2012/605 on the person interested in the land, who has been identified as the owner of the property Rose Cottage. The Regulations specify that in the case of an order made following service of a notice under section 211(3) (preservation of trees in conservation areas), serve on the person who served that notice;

- (a) serve on the persons interested in the land affected by the order—

- (i) a copy of the order; and
- (ii) a notice containing the particulars specified in paragraph (2);

(2) The particulars mentioned in paragraph (1)(a)(ii) are—

- (a) the reasons for making the order;
- (b) a statement that objections or other representations with respect to any trees, groups of trees or woodlands specified in the order may be made to the authority in accordance with regulation 6;
- (c) the date, being at least 28 days after the date of the notice, by which any objection or representation must be received by the authority; and
- (d) a copy of regulation 6 (see Appendix B).

3.2 The Order was served following the Council decision to express objections to application 2019/0739/TCA. A copy of the TPO notice was displayed on site on the 11th November 2019 and delivered by the officer. Comments were invited on the Provisional Order to be received by Friday 6th January 2020.

3.3 An objection to the TPO was received from the applicant, on the 15th November 2019. Comments were also received on the provisional TPO from Riccall Parish Council and were received on the 13th December 2019.

3.4 The objection can be summarised as follows:

- This is a woodland tree in a small cottage garden
- Has outgrown the location and the dense canopy excessively shades the garden
- Danger of limb drop, an issue exacerbated by the specimens age
- Excessive flocking of pigeons and bird fouling across both the patio and lawn (images provided)
- Bird fouling a health concern
- Applicant has exhausted all deterrents and all attempts to deter the pigeons have failed

3.5 It has been stressed by the applicant that he has looked to retain the tree at all opportunities most notably designing the garden around the veteran specimen. The property owner has highlighted that the copper Beech now dominates the garden and this is a characteristic that has become further detrimental to the family use of the space. It is noted that the scale of pigeon droppings is a nuisance and due to the flocking of the pigeons and reach of the tree, the problem is intensifying as illustrated in images.

3.6 Members of Riccall Parish Council have visited the site and spoken to the applicant and a neighbour of the property concerned. The Parish Council submitted comments which can be summarised below;

- The Parish Council understand the issues with the pigeon droppings and the size of the tree within the site
- Appreciate that it is an asset to the environment and is within the Conservation Area.
- The TPO will allow time for appropriate assessments to be carried out and enable the occupier to find options to discourage the pigeons, should they wish to progress the reduction/removal of the tree in the future

- Members have no objection to the confirmation of the TPO
- Parish Council would wish to be consulted on any future applications relating to the TPO.

4.0 Report

4.1 The Council has considered the submission made by the objector and has considered the issues presented.

It is considered that;

- a) Do not regard the submissions made as acceptable reasons for objecting to a TPO
- b) Account should be taken of the fact that the tree has capacity to be reduced or further remedial work
- c) The tree is a large mature specimen, healthy and of significant age, offering a positive contribution to the tree coverage of the area.
- d) Healthy and attractive trees are an asset to the environment

4.2 The objector has stated that they feel the tree has outgrown the location and now dominates the domestic garden area. This has become a key factor in the garden now becoming described as unusable. Due to the size and scale of the tree, the applicant experiences substantial volumes of pigeon droppings, and has tried deterrents and pest control to resolve with no success. It is accepted that the scale of pigeon droppings is a nuisance and health risk. Due to the flocking behaviours of the pigeons the problem is intensifying. The officer understands the volume of droppings is excessive.

4.3 However, healthy and attractive trees are an asset to the environment and bird fouling is not sufficient justification for such a tree to be removed. It is agreed that the specimen is now significantly sized for the garden and the location close to the patio and host dwelling, while the tree also presents several large weight bearing limbs. The applicant has stated they would be willing to plant high quality replacement/s in suitable locations. The tree is also not directly street fronting, but does contribute to some localised views and presents prominent seasonal colouration with its sizable, purple canopy. The owner has always looked to retain the tree, but feels the issues the tree presents need resolving for their quality of life.

4.4 Reducing the tree could allow for the retention of the specimen while sufficiently mitigating against excessive shading and the spread of the pigeon issues, although an assessment would be required to look at how far the tree could sustain this. Beech trees respond well to pruning (BS3998) as they don't generally produce epicormic growth. Therefore, the foliage shouldn't grow back quickly or poorly after a reduction prune.

5.0 Conclusion

5.1 Special attention must be paid to the desirability of preserving the character or appearance of the Conservation Area. It is considered that there is not enough evidence or justification for removal of the tree at this time and the harm to the Conservation Area. Having regard to the above, the proposal to fell 1 No Purple Beech tree in the Conservation Area would have a detrimental impact on the

character and appearance of the Conservation Area. TPO 06/2019 would protect an important tree, in the interests of amenity and its contribution to the Riccall Conservation Area.

6.0 Recommendation

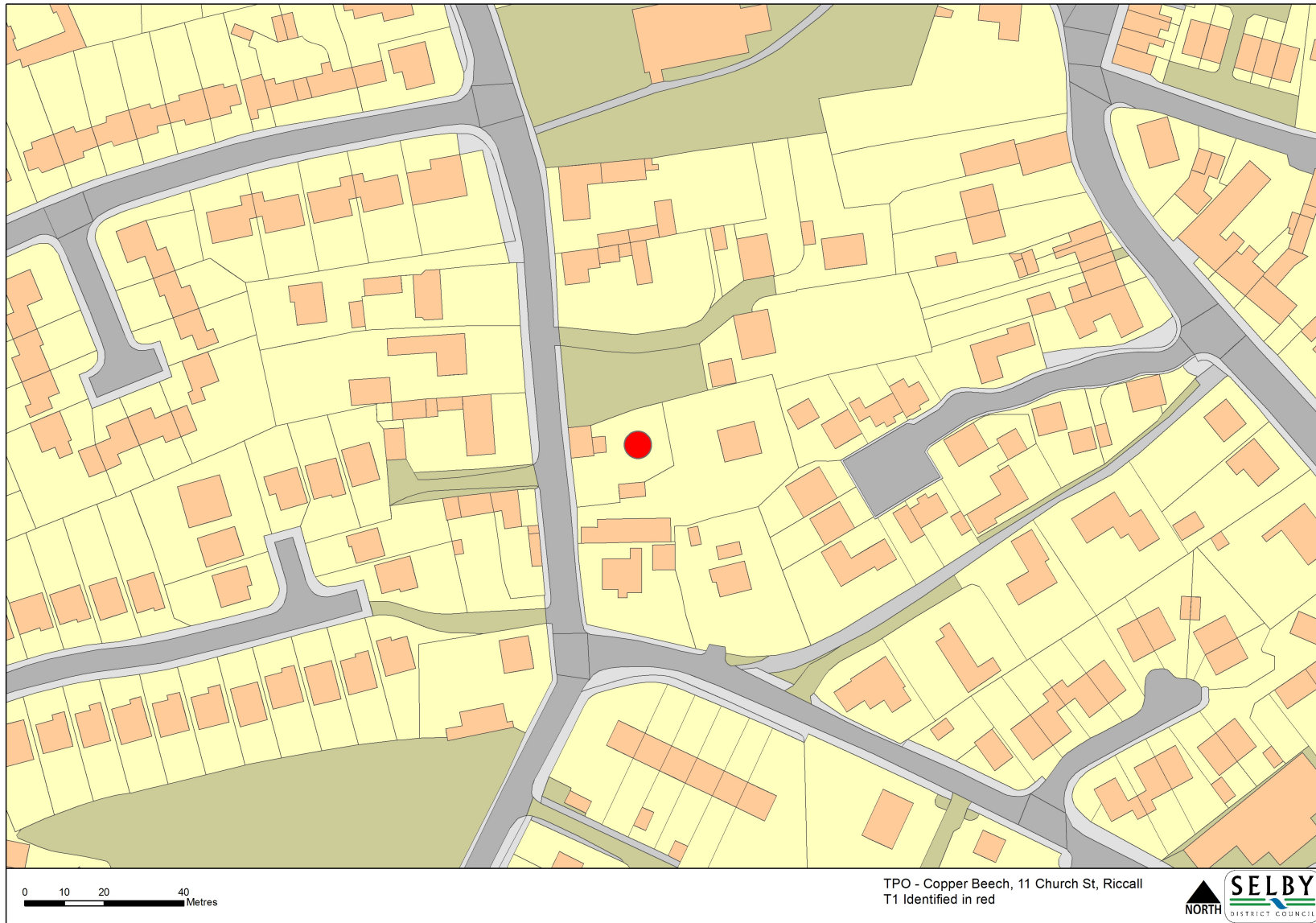
6.1 To confirm the Beech Tree - Preservation Order No.6/2019

7.0 Background Documents

None.

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Appendix A – Plan of TPO 6/2019



TPO - Copper Beech, 11 Church St, Riccall
T1 Identified in red



COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND) REGULATIONS 2012

Objections and representations

6(1) *Subject to paragraph (2), objections and representations -*

(a) *shall be made in writing and -*

(i) *delivered to the authority not later than the date specified by them under regulation 5(2)(c); or*

(ii) *sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) *shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and*

(c) *in the case of an objection, shall state the reasons for the objection.*

(2) *The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.*