

**TREE PRESERVATION ORDER 529, LARKRISE,
KNAPP LANE, LEDBURY****Report By: Head of Planning Services****Wards Affected**

Ledbury

1. Purpose

- 1.1 To consider the representations made in relation to the making of a provisional Tree Preservation Order upon trees in the grounds of Larkrise, Knapp Lane, Ledbury and determine whether to confirm the order.

2. Order Description and Details

- 2.1 This Order concerns 3 individual trees and 2 groups of various species of trees within the grounds of Larkrise. They are as follows:
T1 – Douglas Fir (*Pseudotsuga menziesii*)
T2 – Douglas Fir (*Pseudotsuga menziesii*)
T3 – Silver Birch (*Betula pendula*)
G1 – 3 Silver Birch, 1 Field Maple (*Acer campestre*), 1 Copper Beech (*Fagus sylvatica* 'Purpurea'), 1 Cherry (*Prunus spp.*)
G2 – 1 Yew (*Taxus baccata*), 1 Sweet Chestnut (*Castanea sativa*)
- 2.2 The Order was made on 23rd November 2006
- 2.3 The Council's tree amenity valuation rating scored these individual trees and groups with values between 17 and 19 (the benchmark rating for inclusion within a TPO is 15). Their particular characteristics included – their maturity, form, prominent position adjacent to a well-used lane and their contribution to the overall composition of Knapp Lane.
- 2.4 The site is located to the north-east of the centre of Ledbury, within the settlement boundary. Knapp Lane rises steeply from the A438 (The Home End) towards the lower western slopes of the Malvern Hills. To the north of the site is the steep cutting of the Ledbury to Malvern rail line. The surrounding area is sparsely developed, soon developing into open/wooded country further to the north-east. To the east of the site is 'Dog Hill Wood'; a popular recreational woodland owned and managed by Ledbury Town Council. Immediately to the north of the site runs an unadopted lane which is a public right of way frequently used for recreational access to countryside to the north of the town.
- 2.5 This site was the subject of an outline planning application DCNE2006/3296/O to erect two additional dwellings within the grounds of the property. The application was refused on 8th December 2006 under delegated powers.

3. Background

- 3.1 The Council was alerted to the possible threat to the trees by the outline planning application proposing development on the site. The Order was made under emergency procedures in accordance with section 198, 201 & 203 of the 1990 Town and Country Planning Act.

4. Policies

- 4.1 Herefordshire Unitary Development Plan states:-

“Policy LA5 Protection of trees, woodlands and hedgerows

The enhancement and protection of individual trees, tree groups, woodlands and hedgerows will be secured by:

- 1. placing Tree Preservation Orders where necessary on trees, groups of trees and woodlands of amenity value, and making use of hedgerow protection legislation;**
- 2. resisting proposals that would cause loss or damage to trees, hedgerows or woodlands which are worthy of retention. In particular proposals affecting protected trees will be subject to rigorous examination and only permitted where the development is in the public interest. Where the felling of protected trees is accepted replacement planting will be sought;”**

5. Representations

- 5.1 A letter of objection has been received from Mr B. Lewis of DLP Planning Ltd. who as agents to the owner of the site submitted the outline application for permission to develop the site. The objection relates only to one tree, the Cherry, within G1. The grounds of objection are that the tree has a limited life expectancy (10-20 years) and that the preservation of the tree *“...does not contribute to the future well-being or setting of those other trees within group G1 of the TPO...”* that the *“...proximity and canopy encroachment upon other nearby trees somewhat threatens the potential setting of these trees.”* The objection goes on to suggest that following the omission of this tree group G1 should be subdivided into two separate groupings of trees.
- 5.2 A letter supporting the making of the order has been received from the owners of the neighbouring property ‘Walden’, Knapp Lane, Ledbury.

6. Officer Appraisal

- 6.1 The trees proposed for protection are located to the west and east of the existing property and had been identified for felling in the submitted planning application. The planning application was supported by an independent arboricultural assessment of the trees using British Standard BS3827: Trees in relation to construction, 2005. This assessment also indicated that the trees proposed for inclusion in the order were worthy of retention.
- 6.2 This Tree Preservation Order was made in response to a planning application on a plot on the edge of the town, on a site bounded by trees. Any development in this area would seriously jeopardise the health and well being of these trees. Trees would either have to be removed to facilitate development or would be put under pressure

to be removed because of their proximity to the proposed development. Development of this site would also require considerable areas of hard standing, which would restrict the rooting area of the tree. This would invariably lead to a decline in the health of the trees, leading to concerns as to the trees' stability.

- 6.3 Specifically, the objection to the inclusion of the Cherry in group G1 is based on the age of the tree and the crown conflicting with neighbouring trees. Whilst it is acknowledged that the tree is a mature specimen this has been taken into consideration in the amenity assessment carried out and it is considered that the ongoing contribution made by the tree justifies its' inclusion in the order. Often it is not the impact of an individual tree but the overall effect of a group or number of trees that have the greatest amenity value and in this respect the contiguous crowns in group G1 are not considered to be a detrimental to the setting of these trees. Should the Cherry referred to in the objection to this order expire before neighbouring trees there is a duty on the owner to plant a replacement tree.
- 6.4 The trees in question are ideally suited to the size and scale of domestic development in which they grow. They are considered to make a significant contribution to the public amenity of the area and are in good general health and condition.
- 6.5 There is no right of appeal against the confirmation of a Tree Preservation Order, however an application can be made to lop or fell under the Order and if the Council refuse this then the applicant can appeal to the Secretary of State.

RECOMMENDATION

THAT Tree Preservation Order no.529 at Larkrise, Knapp Lane, Ledbury be confirmed.