

5 TREE PRESERVATION ORDER 518 – THE BURCOTT ADJACENT BURCOTT FARM, ROMAN ROAD, BURCOTT, HEREFORD, HR1 1JL

Report By: Head of Planning Services

Wards Affected

Burghill, Holmer & Lyde ward

1 Purpose

- 1.1 To consider the representation made in relation to three groups of trees, one individual tree and one woodland in The Burcott, adjacent Burcott Farm, Roman Road, Burcott, Hereford, HR1 1JL and determine whether to confirm the Order.

2 Order description and details

- 2.1 This order concerns:

- 4 individual trees (T1 to T4), comprising 2 cedars and 2 yew trees;
- 3 groups of trees (G1 to G3), comprising of 72 trees in total including holly, yew, hawthorn, plum, hazel, Douglas fir, elm, oak and sycamore; and
- 1 native woodland copse (W1), containing oak, hornbeam, hawthorn, hazel, sycamore, elm, holly and ash.

- 2.2 The area they cover is within a small-hedged field to the east of Burcott Farm which itself is located in open countryside approximately 200metres to the north of Roman Road. The trees generally surround an area called 'The Burcott'. Planning permission was granted for four dwellings, treatment plant and reed bed (DCCW/2004/4081/F) within this area on the 10th January, 2005.

- 2.3 The two large fully mature cedars (T1 and T2) lie in the southeast of the site, adjacent to a large linear feature (G1) of mainly hollies partially along the north and east boundaries. There are also two yews (T3 and T4) and a group of mainly hawthorn (G2) along the western boundary, a small group (G3) of hedgerow trees along the southern boundary. A small oak copse (W1) lies further south still, in the southwest corner of the site. The trees are of various sizes from small immature trees to very large, fully mature specimens. Collectively the trees have an anticipated life expectancy of between 5 and 100yrs (i.e. elms and early mature oaks respectively).

- 2.3 The trees have been awarded an amenity rating of between 17 and 26 using the amenity evaluation rating system (benchmark rating for inclusion within TPO is 15). Being visible from the Roman road the trees have a moderately high amenity value screening unpleasant views and should soften the proposed housing against the backdrop of open countryside. The trees are importance in their large composition

3 Policies

3.1 South Herefordshire District Local Plan Policy C.17 (Trees/management) states:-

“PARTICULARLY WITHIN SETTLEMENTS AND WHERE PROPOSALS FOR DEVELOPMENT ARE ADVANCED, THE COUNCIL WILL SUPPORT THE INCREASE AND PROTECTION OF THE STOCK OF TREES IN THE PLAN AREA IN THE INTEREST OF AMENITY BY:

(i) CONTINUING TO SERVE TREE OPRESERVATION ORDERS IN APPROPRIATE CIRCUMSTANCES, WHERE THERE IS A DANGER TO AMENITY OF THE AREA BY THE LOSS OF TREES;

(ii)”

3.2 Herefordshire Unitary Development Plan Policy LA5 indicates that the enhancement and protection of individual trees, tree groups, woodlands and hedgerows will be secured by”placing Tree Preservation Orders where necessary on trees, groups of trees”. Although the plan had yet to be adopted there have been no objections to this particular aspect of the policy and it should therefore be attributed significant weight.

4 Representations

4.1 One letter of objection containing three principal concerns has been received from Mr. W. H. D. Hartland, Burcott Farm, Burcott, Hereford, Herefordshire, HR1 1JL.

1. An agreement was made in 2004 with the developer of the site (K W Bell) that a replacement boundary fence of ranch style fencing, including pig netting, would be installed along the entire eastern boundary adjoining the pastureland. This is to prevent livestock entering the development site which happened in July 2004 during a storm when a dead elm fell onto protective fence, and cattle strayed onto the site containing yew (poisonous to livestock if eaten) and one bullock valued at £700 died. Mr Hartland requests an adjustment of the two Groups (G1 and G3) and the Woodland (W1) to allow the fence replacement works.

2. The fence along the western edge must be stock proof. The developer has agreed that the yearly trimmed stock proof fence on the western boundary would be reduced and maintained them at a height of 7ft from the base of the ‘hedge’. The trimming of the side of the ‘hedge’ is of particular importance for access along the narrow lane, which is used by Hereford & Worcester Fire services for training purposes and to allow access for the Rail services to repair signals along the railway track and in emergencies. The request is that an adjustment of one Group (G2) and woodland (W1) on safety grounds.

3. There has been no consultation with him.

4.2 A copy of the representation can be viewed at the Town Hall, Hereford or immediately prior to the Planning Committee

5. Officers Appraisal

- 5.1 A further inspection of the tree has been made in the light of the representations made. It should be possible to ensure proper fencing and boundary treatment is undertaken which is stock proof without detrimentally affecting the trees concerned. In fact it will be essential given the juxtaposition of the farming and residential use. Similarly there is a need to manage the trees properly to avoid danger to occupants. However, whether ranch style fencing is appropriate is another matter and there is no need to remove trees prematurely.
- 5.2 The use of the area will change as a consequence of the development permitted by the planning permission. The Council, as Local Planning Authority, has a duty to ensure that new development is accommodated properly in a way that protects amenity. Many of the trees covered by the order have been present on the edge of or within the site for quite some time, and their presence accepted or they would have been removed earlier. Their value is now more important in view of the need for the proposed housing to fit satisfactorily into this area of countryside. Any agreement between Mr Hartland and the developer should not have any major bearing on what the Local Planning Authority considers necessary to accommodate the development in a satisfactory manner, particularly if such agreement runs contrary to the proper planning of the site and its surroundings. The implications for the farm of developing the site for housing should have been properly assessed at the outset when it was decided to release the land.
- 5.3 Although it is accepted that trees within G2 and part of the woodland copse were once managed as a hedgerow, their lack of management has allowed them to develop into linear feature of trees. These trees screen and soften the proposed development and demarcate the boundary between residential land and a working farm. Reduction of the trees would greatly reduce their use for screening.
- 5.4 The planning permission contains a conditions requiring prior approval to be given to a landscape scheme and the retention of trees and hedgerows, unless specifically shown to be removed on the approved drawings. Hence the use of the Tree Preservation Order facilitates the long-term intention to maintain trees within the site that are considered important to the site's development and use.
- 5.5 The natural growth of the trees along the western boundary may become a minor nuisance and restrict access to the narrow lane if left un-managed. Similarly there will remain a need to manage the trees along the eastern and northern boundaries. The imposition of a Tree Preservation Order is not intended to indicate no works should be carried out to the trees concerned. The Council would not withhold consent for appropriate works, in particular to remove low side branches in order to maintain access. The developer/owner(s) of the trees is/are encouraged to submit a management scheme that should ideally be for a 5 year repeat programme of works.
- 5.6 The Council has a duty to consider the amenity value of trees when considering whether or not to grant planning permission for development. The Council follows guidance in the document "Tree Preservation Orders- A Guide to the Law and Good Practice" by DETR, when considering and serving a TPO. The guidance recognises that the process of making TPOs is a precautionary one, particularly where development pressures are acknowledged. In view of the fact that the site was being advanced for development it was considered that the TPO should be brought into immediate effect in order to avoid the premature loss of any important trees.

Consultation with landowners or developers prior to serving a TPO can sometimes result in the removal of trees before they can be properly assessed and therefore the accepted approach is to make provisional orders that subsequently require confirmation after further investigations and receipt of representations.

RECOMMENDATION

THAT:

- (a) The Tree Preservation Order no. 518 be confirmed without modification.**

Decision:

Notes:

.....