

23/00158/TORDER

Objector Planning Issues Ltd

Location Former Grounds of the Manor House

Objection To Ruddington No.1 Tree Preservation Order 2023

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects 2 areas of woodland and 2 individual trees within the grounds of a former Manor House. The trees are located to the south of a newly constructed care home and other houses on Manor Park, Ruddington Church is located to the southeast and houses on Church Lane are located to the south. Views into the site are somewhat limited from public vantage points with the Churchyard being the most obvious vantage point, despite this the trees do form a sylvan backdrop when viewed from adjacent roads.

DETAILS OF THE TREE PRESERVATION ORDER

2. The value and importance of the trees was considered at the planning stage and whilst the Council could have protected all trees on the site, it was considered that a selective TPO would be preferable as it would highlight to the developer the trees the Council considers to be most important.
3. The TPO was made on the 12th October 2023. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012, the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether or not to confirm the Order.

SITE HISTORY

4. In 2021, the Council gave permission for the removal of poor-quality trees within the woodland, this was accompanied by removal of a dense understorey of Laurel. The removal of the Laurel was exempt and could have taken place at any time. Despite the Council encouraging the owner to retain under storey vegetation around the perimeter of the site it was largely cleared and this open up views into the site from adjacent properties and the churchyard.
5. The site is currently subject to a planning application to construct 3 dwellings, reference: 23/01456/FUL.

REPRESENTATIONS

Objection

6. The Arboricultural Consultant for the planning application to construct dwellings on the site, acting on behalf of the site owner, has objected to the inclusion of one of the individual trees within the TPO, this is a Yew tree identified as T2 in the TPO and T23 in the planning application tree survey. For this report the tree will be referred to as T2. The objection is for the following reasons:
- The Senior Design and Landscape Officer did not identify the tree as being significant in a consultation response to the planning application and questioned why the tree was now being protected
 - The removal of lower trees and understorey vegetation has resulted in T2 being visible from the churchyard to the southeast and the Council considers this to purportedly "helping screen the new residential home from this vantage point." The objection does not dispute the visibility of the tree, it questions the screening it provides as it has a raised canopy and the residential home can be viewed under the canopy. Furthermore, 2 mature Lime trees within the Churchyard will obscure the view to T2 when in leaf. They also note the churchyard is used infrequently
 - The future development context of the site needs to be considered as screening planting is proposed which is designed to have an immediate impact screening the view of the residential home from the churchyard. The Senior Design and Landscape Officer has deemed appropriate such screening planting. The proposed buildings for the site will also limit view to the residential care home, further diminishing the screening of T2
 - The client does not object to the implementation of the TPO more broadly but are specifically concerned by the inclusion of T2.

Local Residents and the General Public

7. Adjoining landowners were notified of the TPO, 3 adjacent property owners have submitted representations.
8. Churchside, 16 Church Street. Criticised the TPO for not protecting all the trees shown to be removed in the planning application and argued the TPO shouldn't limit itself to trees that were visible from public vantage points.
9. 41 Manor Lodge responded to fully support the TPO and any measure which maintains or enhances the wooded area of Manor Park.
10. The owner of Garden House, Manor Park believe it is an excellent idea to preserve some trees and woodland right in the heart of the village of Ruddington. This order will also enable the residents of the Churchill Retirement apartments to be able to have a view of trees and woodland. It also provides a habitat for the flora and fauna.

APPRAISAL

11. The Council's Senior Design and Landscape Officer did make reference to T2 in the consultation response to the planning application. "The churchyard whilst secluded is a publicly accessible space and from this location views are visible of a freestanding Yew T2, the group of Yew trees in the northern corner of the

site which soften views of the eastern end of the residential home, along with the trees on the southern boundary of the site.” And: “Plot 1 and 2 requires the removal of a number of trees, the condition and prominence of these varies considerably. Given the felling of poor-quality trees and the removal of the laurel understorey that took place previously, T2 is now quite visible from the rear of the Churchyard and it helps screen the new residential home from this vantage point. It is a tree I would expect to see retained.” Notwithstanding the above, there are better and more significant trees on the site, but T2 is clearly visible from the Churchyard and was proposed to be removed on the planning application hence the decision to protect it.

12. Whilst the canopy of T2 will allow views under it, it is considered the tree contributes to the sylvan backdrop of the churchyard. The Council has been criticised for allowing past tree work on this site and whilst a landscaping scheme would help provide long-term screening, the value of retaining mature trees is the scale and maturity they provide which helps enhance the character of the conservation area. There are 2 mature Lime trees within the churchyard that limit views into the development site from the north-eastern corner, but T2 is clearly visible from the northwest part of the churchyard.
13. T2 would need to be removed to enable the proposed development. In mitigation the landscape strategy for the site indicates that ‘sub canopy vegetation ground cover enhanced with ecological biodiverse native planting’. This will take some time to become established which is why the Council is keen to see mature trees retained.
14. When making this TPO the Council tried to strike a balance between maintaining the highest quality trees on the site, whilst considering which made the most contribution to the public realm. The aim of the TPO is not to stymie or prevent the development but to make it clear to the developer which trees the Council considered most important. Some trees shown to be removed within the planning application that are not visible, or where their removal would not be noticeable to the public were not protected. This applies to trees on the south-eastern edge of W1, where some low-quality trees could be removed to facilitate access, such work would not be apparent due to the backdrop of the remaining woodland. In addition, the northeast corner of the site is largely screened from public view and the trees in this part of the site were not sufficient visible to warrant protection.
15. The TPO has generated mixed comments with an objection to T2, feedback that more trees should be protected and positive comments supporting the fact it has been made. Overall, it is considered that the TPO strikes the right balance by protecting trees which are either the most prominent or have the highest arboricultural value.

RECOMMENDATION

It is **RECOMMENDED** that the Ruddington No.1 Tree Preservation Order be confirmed without modification.