

# 19/00260/TORDER

**Location** Land South of Landmere Lane, Edwalton

**Proposal** Edwalton No.1 Tree Preservation Order 2019

**Ward** Edwalton

## THE SITE AND SURROUNDINGS

1. The protected trees are located on a strip of unregistered land that was formally part of the adopted highway before it was stopped-up due to a new road layout. To the north of the site new offices are being constructed, to the east is Melton Road, to the south and west is the site of a new Aldi store also under construction. To the north west of the site is Landmere Lane leading to Wheatcroft garden centre.

## DETAILS OF THE TREE PRESERVATION ORDER

2. The Tree Preservation Order (TPO) protects a line of 5 Lime trees at the eastern end of a longer row of trees running along the south side of Landmere Lane. The other trees are not protected as they are still within the highway and are responsibly managed by Nottinghamshire County Council.
3. The Tree Preservation Order was made on the 17<sup>th</sup> December 2019. 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.

## Representations

4. An objection to the TPO has been received from Potential Planning acting on behalf of Aldi for the following reasons:
  - The trees are outside of their ownership, but the roots and canopy encroach onto their land.
  - The trees do not make such a contribution that their removal would have a significant negative impact on the local environment and its enjoyment by the public.
  - The protection of the trees would not bring a degree of public benefit now or in the future. Once the Aldi and neighbouring office development are complete the trees will have limited visibility from Landmere Lane and Melton Road with no road or path running along their length from which public benefit may be gleamed.
  - The Lime trees offer no rarity, cultural or historic value, nor do they contribute to the character or appearance of a conservation area which a tree or trees must offer in addition to their amenity value to warrant making an Order.
  - The design team have highlighted a potential conflict in respect to the cladding the building. 2.5m of working space is required to install the cladding and there is concern there is not sufficient working space to

carry out the approved work without interfering with some or all of the tree crowns.

- Aldi Stores Ltd. are not interested in removal/damage of trees unnecessarily to facilitate development and this is demonstrated through the planning permission which, i. retains trees where possible; ii. enhances trees and flora through the introduction of a comprehensive landscape scheme; and, iii. includes protection measures during the construction phase. However, they want to prevent measures being put in place which afford disproportionate levels of protection to trees which are not fit for protection through mechanisms available.

## **APPRAISAL**

5. With regard to the amenity value, Government advice is that trees should normally be visible from a public place, such as a road or footpath, or accessible by the public. The trees are currently visible from Landmere Lane and Melton Road and the A52. It is acknowledged that the building work taking place to the north and south may limit views of the trees, but it is considered that they will still be visible from public vantage points and will help soften the rear elevation of the Aldi store and enhance the setting of the new buildings. The trees are located in an important position on the edge of a new expansion of residential and retail development on a gateway site into West Bridgford. Visibility alone is not sufficient to warrant protection and the Council needs to ensure the trees are healthy and reasonable specimens. This is demonstrated in the arboricultural assessment that accompanies the planning application for the Aldi store which classifies all the protected trees as BS5837 category B, Trees of moderate quality with an estimated remaining life expectancy of at least 20 years. The protection of such trees is entirely appropriate. The trees do not need to be rare or have cultural or historic value to warrant protection.
6. When considering whether to protect trees or not, the Council must also consider whether it is expedient to make an Order. Since the highway land was stopped up, the ownership and responsibility for the trees is no longer clear as the land is unregistered. There are also risks to the trees from the construction work taking place to both the north and south. This is made clear in the objection where there are concerns about the ability to install the cladding on the building. The TPO has not been made to prevent or limit the adjacent developments but confirming it will ensure the trees continue to be protected and would allow the council to take enforcement action if they are damaged, harmed or removed. Planning conditions can help with this during the construction period but the TPO will provide on-going protection once the adjacent buildings become occupied.
7. The TPO allows work specified in an approved planning application to take place without the need for a subsequent TPO application. In this case the tree closest to the store can be reduced by 1.25m and several trees can receive selective root pruning under arboricultural supervision. Since the objection was made Council Officers have been liaising with the developers of both the office development and the Aldi store, this has resulted in a TPO application being submitted to lift the canopies of the protected trees by 2m and prune back the sides by 1.5m. This application is yet to be decided but is supported by Officers and it will ensure that approved construction work can take place without the need to harm the trees and also ensure the trees will not interfere with the future use of the neighbouring sites when they become occupied.

8. Whilst new tree planting is proposed on the east and south boundaries of the Aldi site, the northern boundary will only gain a laurel hedge and it is the Council's view that the protected trees will play a strong part in softening the rear elevation of the store from the adjacent offices, Melton Road and Landmere Lane.
9. It is considered that the TPO should be confirmed without modification to ensure the 5 Lime trees remain protected, due to the fact the land ownership is not clear and there is development pressure from the sites to the north and south. Whilst the new buildings will screen the trees from certain viewpoints, they will remain visible to the public from both Melton Road, the A52 and Landmere Lane. The trees will soften the new development on a prominent location at the entrance to West Bridgford and Edwalton.

## **RECOMMENDATION**

It is RECOMMENDED that the Edwalton No.1 Tree Preservation Order 2019 be confirmed without modification.