

**Provisional Tree Preservation Order 11/05 Manor Hotel Birchanger  
Development Control, item 7**

<b>Committee:</b>	<b>DEVELOPMENT CONTROL</b>	<b>Agenda Item</b>
<b>Date:</b>	<b>28 June 2006</b>	<b>7</b>
<b>Title:</b>	<b>Provisional Tree Preservation Order 11/05 Manor Hotel Birchanger</b>	
<b>Author:</b>	<b>Ben Smeeden</b>	Item for decision

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**Introduction**

- 1 This item seeks Members' consideration of provisional Tree Preservation Order no. 11/05 Manor Hotel, Birchanger.

**Background**

- 2 Following a request from the owners of Manor Hotel for trees on land adjacent to the hotel (but outside their ownership) to be considered for protection an assessment was carried out by the Essex County Council Arboricultural Service on behalf of the District Council. The basis for this request is that the hotel company believe that the group of trees provide an attractive backdrop or setting for the hotel. Based on an ECC Officer recommendation a provisional 'area' tree preservation order was served [TPO no.6/05].
- 3 At the Development Control meeting held on 12 October 2005 Members considered objections to the serving of the order. The grounds of objection were summarised as follows:
  - The Council has failed to demonstrate that these trees stand out as selected trees and woodlands.
  - There are a number of trees which due to their size cannot be seen, either internally from the drive to the hotel, or externally, from the field edge. The Birch trees can hardly be seen from Birchanger village. The many hidden young Birch saplings cannot be considered as contributing to visual amenity because they cannot be seen.
  - The 'area' classification should only be used as a temporary measure.
- 4 Members resolved at that time not to confirm the provisional tree preservation order [TPO 6/05], and instructed officers to seek to discuss the retention and management of the trees with the landowner.
- 5 A fresh provisional order was served with a 'woodland' classification to providing continued protection [TPO no. 6/05].
- 6 Discussions have taken place between the landowner, the Council's Landscape Officer and the Forestry Commission. The landowner has sought assistance from the Commission but has been advised that they are unable to offer a management grant in this case. The Commission has also advised that

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many of the trees are not presently of a size which would require a forestry licence for felling.

### Assessment

- 7 Within the area described by the provisional tree preservation order the principal tree cover is Birch. These trees are relatively young self-sown subjects. The development of these Birch stands is typical of pioneer species colonising open ground. This is an interim stage, which, through natural processes, may ultimately lead to the development of climax woodland.
- 8 It is Officer's judgement that the Birch trees are not individually, or as a group of trees, of an amenity value which would warrant them being made subject to a tree preservation order. The trees are not highly visible from public places, and neither individually, or collectively, have significant impact on the wider landscape.
- 9 It is considered that at this stage it would not be justifiable to classify these stands of Birch as being woodland.

**Recommended** that the provisional Tree Preservation Order not be confirmed.

**Background Papers:** See TPO files 6/05 and 11/05.

### Impact

Communication/Consultation	<b>Advise landowner and Parish Council of outcome</b>
Community Safety	<b>n/a</b>
Equalities	<b>n/a</b>
Finance	<b>none</b>
Human Rights	<b>none</b>
Legal implications	<b>none</b>
Ward-specific impacts	<b>Birchanger</b>
Workforce/Workplace	<b>none</b>

### Situation

### Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
<b>none</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>