

MONMOUTHSHIRE COUNTY COUNCIL COMMITTEE REPORT

SUBJECT: Confirmation Report: Tree Preservation Order (TPO) MCC278 (2019) – Hollycroft, Midway Lane, Abergavenny.

DEPARTMENT: Enterprise.

MEETING: Planning Committee

Date to be considered: 1st October 2019.

DIVISION/WARDS AFFECTED: Mardy

1. **PURPOSE**

To consider the confirmation of provisional Tree Preservation Order number MCC278 (2019). Hollycroft, Midway Lane, Abergavenny.

2. **RECOMMENDATION**

That the County Council confirms Tree Preservation Order No. MCC278 (2019) – Hollycroft, Midway Lane, Abergavenny without modification.

3. **REASONS**

- a) The trees to which this Tree Preservation Order (the Order) relates are growing on land in the ownership of Mr and Mrs Hall of Hollycroft, Midway Lane, Mardy, Abergavenny.
- b) The land around the house measures approximately 1.2 hectares and consists mainly of an overgrown formal garden plus a large paddock to the west of the house. The land contains many trees.
- c) In April of 2019 we received an enquiry from a Cardiff based planning consultancy asking if any trees at the site were protected. This raised concerns over the possible intention to develop this land before the Council had an opportunity to evaluate the tree stock. It was therefore deemed expedient to place an Area Order over the whole site. The effect of an Area Order is to protect all trees on a site regardless of their suitability for inclusion. The Order was issued on 30th April 2019. As the house appeared unoccupied at the time, copies of the Order were attached at prominent locations on the site and a further copy was posted through the front door. In line with the requirement of the law, copies were also sent to neighbouring properties which share a common boundary with the land to which the Order relates. A deadline for objections or representations to the Order was included in the covering letters. The deadline expired on 29th May 2019. Please note that this deadline is not mandatory and local planning authorities are able to accept late submissions after the expiry date.

- d) Mr and Mrs Hall the owners of the land contacted me to request a site meeting to discuss the content of the Order and in particular which trees it related to. A site meeting was held with Mr and Mrs Hall on 2nd July 2019. I explained the reasons for issuing the Order which appeared to be accepted. Mr and Mrs Hall denied any knowledge of the initial enquiry from a planning consultancy therefore it was deemed as merely speculative. I asked the landowners if they had any intention to dispose of part or all of the land for development and was told that the intention was for them to live at the property. Being mindful of their wish to start work on the restoration of the garden, which is very overgrown, and being satisfied that there appeared to be no intention to develop the land, I agreed to which trees may be removed without an application and confirmed that overgrown shrubs were not subject to the Order.
- e) On 7th May 2019 we received an email from a local resident expressing support for the Order **(See Item 1)**
- f) On 17th June 2019 we received an objection to the Order from Mrs Hall on the grounds that many trees benefitting from protection did not merit inclusion within the Order. **(See Item 2)**
- g) On 21st August 2019 we received a further email from Mrs Hall to advise that she was having a professional tree survey carried out to support the objection and enquiring if it could be included as a late submission. **(See Item 3)**
- h) On 28th August 2019 we received a further enquiry from the developer Edenstone Homes requesting a copy of the Order. This suggested that due to increased interest from developers there may be an intention to dispose of all or part of this land. Note my question to Mr Richard Kelso of Edenstone and Mr Kelso's reply (both highlighted in yellow). If true, it would appear to support the Council's decision to issue the Order and would serve to contradict Mr and Mrs Hall's earlier assertion that the land would not be developed. **(See Item 4)**

5. **RELEVANT POLICIES**

The protection of trees at this site is in accordance with **Strategic Policy S13** – *Landscape, Green Infrastructure and the Natural Environment*.

6. **CONSULTEES**

Cllr. Malcolm Lane

7. BACKGROUND PAPERS

- 1/ Email dated 7th May 2019 – support comment.
- 2/ Email dated 17th June 2019 – Initial objection.
- 3/ Email dated 21st August 2019 – supporting information to initial objection.
- 4/ Email dated 2nd September from Edenstone Homes.
- 5/ Map showing extent of Order.
- 6/ Aerial photograph of the site.

- **AUTHOR** Jim Keech, Tree Officer.
- **CONTACT DETAILS:** Tel: 01633 644962
- E-mail jimkeech@monmouthshire.gov.uk
- Date – 18th September 2019

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