

MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/02/15

Location: Boundary between 4 Holland Park and 57 High Street,
Cheveley, CB8 9DL

Applicant: N/A

Agent: N/A

Reference No: TPO/E/02/15

Case Officer: Cathy White, Senior Trees Officer

Parish: Cheveley

Ward: Cheveley

Ward Councillors: Councillor Peter Cresswell,
Councillor Mathew Shuter

[Q62]

1.0 THE ISSUE

- 1.1 To confirm a Tree Preservation Order (TPO) for an Ash tree on the rear garden boundary of 4 Holland Park and 57 High Street, Cheveley. This matter is being referred to Committee to consider the objections received to the serving of the TPO, and the requirement to confirm the TPO within six months to ensure the tree is protected for public amenity.
- 1.2 The District Council can serve a TPO when it is considered expedient to do so, where there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the visual amenity of the area, and there is currently no tree protection in place.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that this TPO be confirmed, without modifications, for the following reasons:

- There is an opportunity for the dense ivy covering the main stem and invading the lower tree canopy to be cleared, to allow an in depth arboricultural inspection so the condition of the mature Ash tree can be better assessed. If no significant defects are found then the Ash tree could be retained and managed by pruning rather than felling.
- A suitable pruning specification to reduce the overall size of the tree canopy would greatly alleviate the nuisance problems experienced by the owners and adjacent neighbours with the overhanging branches and lack of light.
- The mature Ash tree is a significant tree which contributes to the amenity of the local landscape, visible to the public when viewed from Holland Park estate road, the area at the junction with the High Street, and from neighbouring properties.

3.0 **COSTS**

If a TPO is made and confirmed, then subsequent applications made for tree works would carry with them an opportunity to claim compensation if, as a result of the Council's decision, the applicant suffers any loss or damage within 12 months of that decision being made.

4.0 **BACKGROUND**

- 4.1 The residents of 4 Holland Park contacted the Council to check if the Ash tree on the rear garden boundary between 4 Holland Park and 57 High Street was protected, as they were considering having the tree felled. The residents considered the Ash tree overshadowed their back garden and also that of their neighbours' at 57 High Street, Cheveley, and the tree had previously shed branches. The tree was also extensively covered in ivy.
- 4.2 The Trees Officer inspected the site and considered the Ash tree was visually important in the local landscape and worthy of further professional assessment of the tree's condition, given the main stem and lower canopy was densely covered by the ivy. The Trees Officer considered the Ash tree could be managed by crown reduction and pruning if no significant defects were found once the main stem and lower canopy had been cleared of ivy for inspection. The Ash tree was not protected at this stage, and could have been removed without requiring the consent of the Council, giving no time for further assessment and public consultation.
- 4.3 The mature Ash tree is in reasonable health, judging from the tree canopy visible for inspection. The Ash tree is visible to the public from Holland Park estate and the High Street junction area. The Ash tree is of merit, contributing to the tree cover in this location, providing habitats for wildlife and offering ecological benefits.

- 4.4 To ensure consultation on the proposed removal of the Ash tree could be carried out to establish the views of neighbours, Cheveley Parish Council and Cheveley Ward District Councillors, a TPO was served under Section 201 of the Town & Country Planning Act 1990. The TPO was made on 15th May 2015 and after the statutory consultation period, requires confirmation within six months.
- 4.5 During the statutory consultation period, objections to the serving of the TPO were received from the owners at 4 Holland Park, the neighbour at 3 Holland Park and Cheveley Parish Council. Cheveley District Ward Councillor Shuter also responded, with no objection to the removal of the Ash tree and therefore not supporting the confirmation of the TPO. Copies of the letters of objection and comments are in Appendix 1 of this report.

The objections were in summary:

- The tall Ash tree dominates the rear gardens. The tree is oppressive and overwhelms the adjacent bungalows set close by.
 - The Ash tree has been noted for shedding branches.
 - Ash die-back has been noted on Ash trees in the area. This Ash tree could become infected and would become increasingly dangerous as it dies.
 - There are many other trees on the estate and the area is heavily wooded with many large, mature trees, so this Ash tree is not a rarity.
 - There is a smaller tree next to the Ash which will grow to take its place.
 - There are plans to plant new trees on land owned or managed by the Parish Council, to replace diseased, dangerous or over-mature trees in Cheveley.
- 4.6 The Council's responses to the objections and comments made are in Appendix 2 of this report.

5.0 **CONCLUSIONS**

- 5.1 Whilst the determining if a tree is of sufficient amenity value or not is to some extent subjective, the Trees Officers remain of the opinion that this Ash tree is visually important within the local street scene and makes a positive contribution to the character of the area. A TPO would be an appropriate measure to safeguard the tree.
- 5.2 The TPO will not prevent the owners managing the Ash tree in the future.

Having the ivy cleared for a professional assessment of the condition of the main stem and lower canopy for the tree will indicate if the tree can be safely retained. With an appropriate tree works specification the tree could then be pruned to reduce the nuisance factors indicated in the objections raised.

- 5.3 This TPO will ensure the retention of the Ash tree until the whole tree can be inspected and the condition of the main stem and lower canopy assessed, if the ivy is removed to allow for this inspection.
- 5.4 The TPO status gives recognition of the visual importance of the tree and the positive contribution the tree makes to the character of the area.

6.0 **APPENDICES**

Appendix 1 – Letter and emails of objections to the TPO

Appendix 2 – Council’s letters of response to TPO objections

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
TPO E/02/15 DETR Tree Preservation Orders – A Guide to the Law and Good Practice East Cambridgeshire Local Plan April 2015 Letter & emails of objections to the TPO (See Appendix 1) Council’s letters of response to TPO objections (See Appendix 2)	Cathy White, Senior Trees Officer Room No. 001 The Grange Ely	Cathy White Senior Trees Officer 01353 665555 cathy.white@eastcambs.gov.uk