

MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/09/12

Location: 74 Centre Drive, Newmarket CB8 8AW

Applicant: N/A

Agent: N/A

Reference No: TPO E/09/12

Case Officer: Ian Lorman, Trees Officer

Parish: Cheveley

Ward: Cheveley

Ward Councillors: Councillor Tom Kerby
Councillor Sue Willows

[M232]

1.0 ISSUE

1.1 To confirm a Tree Preservation Order (TPO) on one Scots Pine tree in the front garden of 74 Centre Drive, Newmarket. This matter is being referred to Committee due to four objections to the order, which were received within the 28 day consultation period that ended on 3rd December 2012. There is a requirement to confirm the TPO within six months to ensure the tree is protected for public amenity.

1.2 A site visit has been arranged for 11.50am.

2.0 RECOMMENDATION

2.1 It is recommended that this TPO be confirmed for the following reasons:

- The Scots Pine tree is a prominent and important feature for amenity value in the street scene. It is visible from both directions for some distance along Centre Drive and helps to 'soften' the appearance of the densely developed, built environment.

- There is a clear threat of the removal of the Scots Pine tree, which would be detrimental to visual amenity and green infrastructure in Centre Drive.

2.2 If the TPO is not confirmed within six months of the date on which it was made, the tree will not be protected and could be removed.

3.0 COSTS

3.1 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 EQUALITY IMPACT ASSESSMENT

4.1 Equality Impact Assessment (INRA) not required.

5.0 BACKGROUND

5.1 The owner of the tree at 74 Centre Drive, Newmarket contacted the Council on 1st November 2012 asking if permission was needed to remove a Scots Pine tree in the front garden. The Trees Officer met the owner on site on 7th November to inspect the tree to see if removal would be justified on the grounds of safety and access, and to discuss with the owner if alternative options to felling would be viable. At the time, the tree was not subject of any legal protection and so prior consent of the Council for its removal was not required.

5.2 Being aware of the significance of the tree, its location and the apparent, clear and imminent threat of its removal, a decision was made by the Trees Officers to make a TPO, to afford the opportunity for debate regarding the future of the tree and its management.

5.3 A TPO was made on 5th November 2012. The reason for the making of the TPO is because the owner has expressed a wish to remove the tree, which until this Order was made, was unprotected.

5.4 Inspection of the tree on 7th November 2012 revealed that it was healthy, but that the loss of a large branch in the upper crown that occurred approximately ten years ago has somewhat compromised the tree's structural integrity at the point of the wound left by the branch tearing out. Shortly after the loss of this large branch, works were undertaken to shorten an over-extended branch and thus lighten the load on the area where the wound was created. It appears that since this work was undertaken, there have been no further similar incidences.

5.5 Objections to the serving of the TPO were received from the owner and from three neighbouring properties within the 28 day consultation period (two by email on 7th November, two by letter on 13th November and 30th November 2012 respectively). Copies of the objections are at Appendix 1.

5.6 The objections were in summary:

- The tree is dangerous and poses a continuing threat to property and vehicles due to a history of shedding branches in strong winds that on one occasion resulted in damage to a van owned by one of the objectors and the bringing down of telephone wires.
- Nuisance from natural needle shedding blocking gutters, downpipes, gullies, car vents and the rainwater drainage gully in the road leading to the associated problems.

6.0 CONCLUSIONS

6.1 Whilst determining if a tree is of sufficient amenity value or not is to some extent subjective, the Trees Officer remains of the opinion that the Scots Pine tree covered by this TPO is visually important within the local street scene and makes a positive contribution to the character of the area.

6.2 The structural defect in the upper crown has been successfully managed by the lightening of branches to help ensure that the risk of further major branch shedding is reduced to an acceptable minimum.

6.3 Tree surgery or flexible bracing of any parts of the tree deemed to be structurally deficient could be used to ensure the tree continues to make a contribution to amenity for the foreseeable future.

6.4 A TPO would be an appropriate measure to safeguard the tree and it will not prevent future consideration of the tree in relation to any changes in its health and condition.

7.0 APPENDICES

Appendix 1 – Objections.

Background Documents

TPO E/09/12

Town & Country Planning
Act 1990Town & Country Planning
(Tree

Preservation)(England)

Regulations 2012

DETR Tree Preservation

Orders – A Guide to the

Law and Good Practice

East Cambridgeshire

District Core Strategy 2009

Location

Room 012

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