

MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/01/16

Location: 60 Ely Road, Littleport, Cambs.

Applicant: N/A

Agent: N/A

Reference No: TPO/E/01/16

Case Officer: Neil Horsewell, Trees Officer

Parish: Littleport

Ward: Littleport (East)
Ward Councillors: Councillor Jo Webber
Councillor David Ambrose-Smith

[Q244]

1.0 THE ISSUE

- 1.1 To confirm a Tree Preservation Order (TPO) for three Cedar trees (T1, T2 & T3), in the grounds of 60 Ely Road, Littleport. This matter is being referred to Committee as there is a requirement to confirm the TPO within six months to ensure the trees are protected for public amenity.

2.0 RECOMMENDATIONS

- 2.1 Cedar tree (T1) is a significant specimen tree in the front garden, and Cedar trees (T2 & T3) together form a visually significant group in the rear garden, all contributing to the amenity of the local landscape at Ely Road, Littleport. It is recommended that this TPO be confirmed, without modifications, for the following reasons:

- Cedar tree (T1) is clearly visible to the public when viewed from Ely Road, Littleport. The Cedar trees (T2) & (T3) are visible from adjacent land and neighbouring gardens, and the tops of trees (T2) & (T3) are also seen from Ely Road, Littleport.
- Interest has been expressed for the future development of the site. Any proposed development on the site could include considerations of site layout and building foundation designs that should accommodate the proximity of the three Cedar trees.
- If the TPO is not confirmed within six months of the date on which it was made (in this case 28th January 2016), the three Cedar trees will be unprotected and could be removed.

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 Order was made because the Council received a notice of interest in developing the site at 60 Ely Road, Littleport. As trees on this site were currently unprotected, it was therefore deemed expedient to serve the TPO to protect the three Cedar trees, to ensure they were not removed before any future planning applications were submitted to the Council for consideration.
- 4.2 The Trees Officer visited the site to inspect the three Cedar trees and deemed the trees to have significant amenity value in the local landscape. The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 28th January 2016:
 - to ensure the three Cedar trees are not removed without an opportunity for consultation, as the removal of the trees would create a significant loss of tree cover and a negative impact on the visual landscape in this area of Littleport.
 - to consider options for of site layout in any future planning application, that could incorporate all or some of the three Cedar trees.
- 4.3 Following the statutory consultation period of 28 days, confirmation of the TPO is required within six months after the date the TPO was served. The 3 Cedar trees are visible to the public from the surrounding land and from Ely Road Littleport, and the trees contribute to the tree cover in this location.
- 4.4 Objections to the serving of the TPO on the three Cedar trees were received in writing from the site owners during the statutory consultation period. A copy of the objections received from the site owners is in Appendix 1 of the report.

The concerns raised were in summary:

- Planning permission will be sought for a number of dwellings at 60 Ely Road, Littleport and the preservation order will prohibit the number of new dwellings to accommodate the three TPO Cedar trees.
- The TPO will also prohibit future applications for planning permission to develop the land behind 60 Ely Road requiring an access road which will not be possible with the TPO trees in place.
- The trees are very large and would not be in keeping with the size of gardens of the new dwellings.
- The trees will restrict natural light in the new dwellings.
- The roots from the Cedar trees might cause damage to drainage in the new dwellings.
- There is nothing historic or special about the trees that require a TPO.
- Concern for potential risk of storm damage to the 3 Cedar trees as they had a Cedar tree at this site which split and fell in 2007 during a bad storm.

4.5 The Council's response to the objections made is in Appendix 2 of this report.

5.0 **CONCLUSIONS**

- 5.1 Whilst determining if the three Cedar trees are of sufficient amenity value or not is to some extent subjective, the Trees Officer remains of the opinion that the three Cedar trees are visually important within the local landscape and make a positive contribution to the character of the area. The loss of the three trees would change the visual landscape on Ely Road, Littleport.
- 5.2 A TPO would be an appropriate measure to allow an opportunity to consider options for a site layout in a future planning application that could incorporate all or some of the three Cedar trees.
- 5.3 The TPO will not prevent the owners managing the Cedar trees in the future, by appropriate tree surgery specifications.
- 5.4 This TPO will ensure the suitable management of the three Cedar trees and retention trees on this site tree, by conditioning suitable replacement tree planting for any of the Cedar trees removed in the future. The TPO will also confirm the visual importance of the trees and the positive contribution the trees make to the character of the local landscape in Ely Road, Littleport.
- 5.5 The recommendation is to confirm the TPO without modifications.

Background Documents

TPO E/01/16
Town & Country Planning Act 1990
Town & Country Planning (Tree
Preservation)(England) Regulations 2012
National Planning Policy Guidance from 6th
March 2014
<http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/>

East Cambridgeshire Local Plan April 2015

Location(s)

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