

MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/02/18

Location: Land beside 133 High Street, Bottisham, Cambs.

Applicant: N/A

Agent: N/A

Reference No: TPO/E/02/18

Case Officer: Cathy White, Senior Trees Officer

Parish: Bottisham

Ward: Bottisham
Ward Councillors: Councillor Chaplin
Councillor Sharp

[T21]

1.0 THE ISSUE

1.1 To confirm a Tree Preservation Order (TPO) for one Cypress tree on the roadside green beside 133 High Street, Bottisham. 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 The Cypress tree stands in a prominent location at the junction of Beechwood Avenue and High Street, and together with several other trees on the roadside green forms a visually significant tree within the group, that contributes to the amenity of the local landscape in Bottisham village. It is recommended that this TPO be confirmed, without modifications, for the following reasons:

- a) Following the consultation on the recent Conservation Area tree work application 18/00108/TRE, several local residents objected to the removal of the Cypress tree because of the significant impact on the local landscape in this prominent location in the village. However they

expressed support for the continued management of the Cypress tree by pruning.

- b) The Cypress tree is clearly visible to the public when viewed from the High Street and the area of Beechwood Avenue at the junction with High Street, Bottisham.

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 tree work application notice of intent to remove the Cypress tree, in the Bottisham Conservation Area. The Council cannot refuse and cannot condition or enforce replacement planting when considering applications giving notice of tree work in Conservation Areas.

- 4.2 The reasons given in the tree work application to fell the Cypress tree were:

- The need for regular repeat pruning of the tree, to reduce encroachment and sightline obstruction at the junction for traffic leaving Beechwood Avenue.
- The tree is too large for the location and set in close proximity to the adjacent property.
- The tree will not tolerate heavy pruning.
- Replacing the tree with a more suitable species would improve this space.
- The tree work application was supported by Bottisham Parish Council.

- 4.3 A public consultation on the tree work application proposal to fell the Cypress tree was carried out. The results were two responses objecting to the loss of the Cypress tree and two responses in support of the removal of the Cypress tree.

- 4.4 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 6th April 2018:

- To give time for public consultation on the tree work application proposal to fell the Cypress tree.
- To prevent the Cypress tree from being removed (before a public consultation of nearby residents could be carried out), creating a significant loss of tree cover and a negative impact on the visual landscape in this prominent location in Bottisham village.
- To consider the alternative option for the management of the Cypress tree, by overall crown reduction and pruning to a reasonable shape, to

improve the sightlines for traffic exiting Beechwood Avenue onto the High Street.

- 4.5 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 Cypress tree is visible to the public from the High Street and Beechwood Avenue, Bottisham, and the Cypress tree contributes to the tree cover in this location.
- 4.6 No objections to the serving of the TPO on the Cypress tree were received in writing during the statutory consultation period, including none from the original tree work applicants, Park Estate Resident Society Ltd. However, given the outcome of the public consultation on the tree work application proposal to fell the Cypress tree, it was considered appropriate for the Planning Committee Members to consider the comments from local residents in support of the tree's removal and those objecting to the loss of the tree, and reach a democratic decision on the fate of the tree.

5.0 **CONCLUSIONS**

- 5.1 Whilst the determining if the Cypress tree is of sufficient amenity value or not is to some extent subjective, the Senior Trees Officer remains of the opinion that this tree makes a significant visual contribution to the local street scene and character of the area. The tree is situated close to the junction of Beechwood Avenue and High Street, and will require routine pruning to ensure drivers' sightlines are not obscured when leaving Beechwood Avenue.
- 5.2 It was appropriate to serve the TPO to allow time for the consideration of the differing views expressed by several of the local residents, and for a democratic decision to be made on the fate of the tree.
- 5.3 If the decision by Planning Committee is to confirm the TPO, this will not prevent the owners managing the Cypress tree in the future, by appropriate tree surgery specifications.
- 5.4 If the decision by Planning Committee is not to confirm the TPO, the TPO will lapse and the owners can then fell the Cypress tree.

Background Documents

TPO E/02/18
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 District Proposed
Submission Local Plan
Tree Work Application 18/00108/TRE

Location(s)

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