

**MAIN CASE**

Proposal: Confirmation of Tree Preservation Order E/01/11

Location: 17 Common Road, Witchford, Cambs.

Applicant: N/A

Agent: N/A

Reference No: TPO/E/01/11

Case Officer: Cathy White, Senior Trees Officer

Parish: Witchford

Ward: Haddenham  
Ward Councillors: Councillor Ian Allen,  
Councillor Pauline Wilson  
& Councillor Gareth Wilson.

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**[L54]**

**1.0 THE ISSUE**

To confirm a Tree Preservation Order (TPO) for one Silver Birch tree, one Ash tree, one Horse Chestnut tree and one group of two Field Maple trees in the garden of 17 Common Road, Witchford. 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**

The Silver Birch tree, Ash tree, Horse Chestnut tree and one group of two Field Maple trees are visible to the public when viewed from Common Road, Witchford and contribute to the amenity of the local landscape at Common Road. It is recommended that this unopposed TPO be confirmed, without modifications, as no objections were received in the 28 days consultation period that ended on 9<sup>th</sup> May 2011.

### 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 **EQUALITY IMPACT ASSESSMENT**

Equality Impact Assessment (INRA) not required.

### 5.0 **BACKGROUND**

5.1 The Trees Officer was consulted on a planning application reference 10/00639/OUT for a new dwelling within the existing garden of 17 Common Road, Witchford. The planning application was subsequently refused in part due to the adverse impact on the trees within the site.

5.2 The trees protected in this TPO are considered to be important features in the locality and contribute to the public amenity and green infrastructure of the local area. Although the site trees were protected by a planning condition and some of the trees on the site were subject to an existing TPO E/09/70, the making of this TPO E/01/11 clarified those site trees (not included in the TPO E/09/70) that were considered to be worthy of retention in relation to any proposed development of the site.

5.3 After the TPO E/01/11 was served, the Planning Inspectorate considered an appeal against the refusal to grant planning permission (application reference 10/00639/OUT) and the appeal was dismissed on 18<sup>th</sup> May 2011. The Inspector considered the trees on the site, including those trees protected by the two TPOs E/01/11 and E/09/70, and in their report included the opinion that the proposed development would probably result in the loss of many of the protected trees, which would harm the appearance of the area.

5.4 The Silver Birch tree, Ash tree, Horse Chestnut tree and one group of two Field Maple trees are in reasonable health, and visible to the public from Common Road, Witchford. The TPO allows for replacement tree planting when these trees need to be removed, ensuring the continuation of tree cover in the local landscape.

5.5 To ensure the three individual trees and the one group of two trees are protected and retained within the local landscape, a TPO was served under Section 201 of the Town & Country Planning Act 1990. The TPO was made on 7<sup>th</sup> April 2011 and after the statutory consultation period, requires confirmation within six months.

5.6 No written objections to the serving of the TPO were received.

## 6.0 **CONCLUSIONS**

6.1 The TPO is unopposed and should be confirmed without modifications. This will ensure the one Silver Birch tree, one Ash tree, one Horse Chestnut tree and one group of two Field Maple trees in the garden of 17 Common Road, Witchford, are protected and their contribution to the amenity, biodiversity and green infrastructure of the local area are fully considered in relation to any future proposed development of the site likely to impact on the trees, and any future tree work is carried out to an approved, professional arboricultural specification and standard. The TPO status gives recognition of the visual importance of the trees and the positive contribution the trees make to the character of the area.

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<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
TPO E/01/11 & TPO E/09/70 Town & Country Planning Act 1990 Town & Country Planning (Trees) Regulations 1999 DETR Tree Preservation Orders A Guide to the Law and Good Practice (March 2000) East Cambridgeshire District Local Plan 2000 and TPO records. Planning Application 10/00639/OUT The Planning Inspectorate Appeal Decision APP/V0510/A/10/2140492	Cathy White, Senior Trees Officer Room No. 012 The Grange Ely	Cathy White Senior Trees Officer 01353 665555 cathy.white@eastcambs.gov.uk