
MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/08/17
Location: 102 North Street, Burwell, Cambridgeshire
Applicant: N/A
Agent: N/A
Reference No: TPO E/08/17
Case Officer: Neil Horsewell, Trees Officer
Parish: Burwell

Ward: Burwell
Ward Councillors: Councillor Allan
Councillor Brown
Councillor Edwards

[S90]

1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for 1 Sycamore tree at 102 North Street, Burwell. This matter is being referred to Committee to consider the comments and 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.

2.0 **RECOMMENDATIONS**

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

- The Sycamore tree contributes visually to the amenity of the local landscape of this part of Burwell village, adjacent to the Conservation Area.
- The loss of the Sycamore tree will have a detrimental visual impact on the local street-scene and biodiversity of this area.

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 notification from a neighbouring resident that tree work was taking place and the Sycamore tree was due to be felled. At that time tree was unprotected. Upon visiting the site an assessment for the potential to serve a tree preservation order was made, the tree was assessed of having sufficient amenity value to be worthy of preservation, to prevent the tree from being felled.

4.2 The Council's Trees Officer served a TPO on the Sycamore tree because of the significance of its loss from the street-scene in terms of visual amenity, if the tree was removed.

4.3 A TPO was served on 9th June 2017, under Section 201 of the Town & Country Planning Act 1990, and after the statutory consultation period requires confirmation within six months.

The TPO was made:

- To prevent felling of the tree, as there was no tree protection afforded to the tree prior to the serving of the order
- to support the Trees Officer's and neighbouring residents recognition of the amenity value of the Sycamore tree and its contribution within the local landscape

4.4 Serving the TPO reinforces the tree's amenity value, with its positive visual contribution, within the wider local landscape of North Street and is supported by the Council's Local Plan Policies ENV1 and ENV7 of the East Cambridgeshire Local Plan April 2015.

4.5 The Sycamore tree is in good health and visible to the public from North Street and the surrounding street-scene. The Sycamore is a distinctive and rare pollard of considerable age.

4.6 An objection to the serving of the TPO on the Sycamore tree was received during the consultation period. A copy of the objection received is in Appendix 1 of this report. A copy of the response to the objection is in Appendix 3 of this report.

4.7 In summary the objections made were:

- It is suggested that the tree was not due to be felled
- Apart from the trees bulk there is limited amenity afforded to the public by the tree as it is not a prominent tree in the wider landscape
- Serving of a single TPO will prohibit future management and maintenance of the tree

- No reasonable grounds have been given for the serving of the order as the tree appears under regular management

4.8 The Council Trees Officer's responses to the objections were:

- Having received notification from local residents concerned the tree was being dismantled, there proved sufficient justification for concluding the tree was indeed due to be felled, following conversations with the Mr Cornell's Tree Contractor commissioned to carry out works to the tree on the 23rd May 2017, and a conversation with Mr Cornell on the 26th May 2017
- Although to some degree the trees amenity value is subjective, the visual assessment of this Sycamore tree for public amenity confirmed the tree to be a significant landscape feature, highly visible to the public from the highway of North Street, Burwell
- The Tree Preservation Order does not prevent owners managing a protected tree, as works to maintain the tree can be requested through a tree work application, thereby insuring effective future management.

4.9 Support from 8 of the neighbouring residents was also received for the TPO during the consultation period. Copies of the emails of support received for the TPO is in Appendix 2 of this report.

4.10 In summary the supporting comments made were:

- The tree is of significant age
- The tree is a rare pollard of value in relation to local heritage and educational value
- The tree is enjoyed by not just the local residents but a number of dog walkers, cyclists and horse riders who use the highway daily
- The tree would be irreplaceable if removed
- It is confirmed that the contractor was commissioned to fell the tree on the day that tree works were being conducted at the site, during a conversation between a neighbouring resident and the contractor
- It is suggested that the current site entrance is sufficient for the current dwelling, raising suspicion that the tree was due to be felled in relation to developing the site with additional housing

5.0 **CONCLUSIONS**

5.1 The Sycamore pollard is an impressive and significant natural addition to the local landscape, worthy of preservation.

5.2 A TPO would be an appropriate measure to safeguard the tree. The TPO will not prevent consideration of the site for development in any future planning applications, or prevent the management of the Sycamore tree in the future, if and when tree work is required.

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
<ul style="list-style-type: none"> • TPO E/08/17 • Town & Country Planning Act 1990 • Town & Country Planning (Tree Preservation)(England) Regulations 2012 • Tree Preservation Orders – A Guide to the Law and Good Practice • BS 5387:2012 Trees in relation to design, demolition and construction - Recommendations • East Cambridgeshire Local Plan April 2015 • Letter of objection to the TPO (See Appendix 1) • Emails of support for the TPO (See Appendix 2) • Letter of response to objection to TPO (See Appendix 3) 	<p>Neil Horsewell, Trees Officer Room No. 002 The Grange Ely</p>	<p>Neil Horsewell Trees Officer 01353 616332 neil.horsewell@eastcambs.gov.uk</p>