

MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/08/19
Location: Land off Hod Hall Lane, east of Metcalfe Way, Haddenham.
Applicant: N/A
Agent: N/A
Reference No: TPO/E/08/19
Case Officer: Kevin Drane, Trees Officer
Parish: Haddenham

Ward: Haddenham
Ward Councillor: Councillor Gareth Wilson

[U100]

1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for five trees on land off Hod Hall Lane, east of Metcalfe Way, Haddenham. This matter is being referred to Committee due to objections received in the 28 days consultation period, which ended on 20th September 2019, and for the requirement to confirm the TPO within six months to ensure the trees are protected for public amenity.

2.0 **RECOMMENDATIONS**

2.1 It is recommended that:

The TPO is confirmed, with the minor amendment correcting tree T3 species name from Oak to Field Maple in the TPO schedule and on the TPO plan, for the following reasons: The five trees are prominent specimens within the small copse, and visually contribute to the amenity of the local landscape in this part of Haddenham.

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 after a request by local residents who nominated the trees for preservation because the trees stood on the proposed development site, subject of a current planning application 18/01041/OUM at land off Hod Hall Lane, east of Metcalfe Way, Haddenham. The proposed development layout includes a balancing pond that would likely require the removal of some or all of the trees, which were not protected at that time of the TPO nomination request.

4.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 19th August 2019 because:

- Trees on the site were considered at risk of being removed before the planning application 18/01041/OUM is determined.
- Attempts to reach an agreement with the developer for an alternative location for the balancing pond, allowing retention of all or some of the trees was unsuccessful.
- Serving the TPO allows time for debate on the future of the trees on this proposed development site, and time for the Planning Officers to weigh up all the planning constraints relevant to this application before the final decision is made.
- The trees were assessed to have amenity value, as they make a visual contribution to the local landscape in this part of Haddenham.

4.3 An objection to the serving of the TPO was received in writing from the owners' Agent on their behalf during the statutory consultation period. The letter and documents with the objections are in Appendix 1. The details of the objection were:

- Objection to the TPO being confirmed in respect of two of the five trees, and that T3 & T4 should be withdrawn as they do not provide a significant public amenity.
- Why the TPO was served late during the consultation period of their planning application of 25/07/18 with no preliminary discussion with their client.
- The error in the TPO document served on 19th August 2019 where the species of T3 is stated incorrectly as Oak
- It is the view of the Agent's appointed arboricultural consultant that TPO status on the five trees is not justified, and is questionable.
- The justification for this TPO is landscape/amenity value. It is considered that for the five trees it is more a case of ensuring

replacement planting than any true landscape value of these particular trees.

- The site is currently subject to a planning application, so the Council can secure additional trees for the site through a suitably worded planning condition, should permission be granted

- 4.4 Support for the TPO was received during the consultation period. The document is in Appendix 2.
- 4.5 Given the comments received, including the objections, and also the public request for the serving of the TPO, it was considered appropriate for the Planning Committee Members to consider all the comments received and reach a democratic decision on the future protection of the 5 TPO trees.

5.0 **CONCLUSIONS**

- 5.1 Whilst the determining if the five trees are of sufficient amenity value or not is to some extent subjective, the Trees Officer remains of the opinion that the trees make a visual contribution to the local landscape and character of the area.
- 5.2 The small error in the TPO documents was spotted early in the consultation period. The Council's Senior Legal Assistant confirmed this was a minor error and could be amended on the original documents with the Planning Manager's signature on the amended sections of the documents as an amendment. (The amended TPO and Formal Notice documents are in Appendix 3).
- 5.3 The trees were assessed for TPO on their amenity value, this being the only requirement needed in evaluating trees for the making of a new TPO. The completed TPO Assessment Sheet document for TPO E/08/19 is in Appendix 3.
- 5.4 It was appropriate to serve the TPO to protect the 5 trees from the risk of being removed before the current planning application is determined, and ensure an opportunity to debate the future of the five trees.
- 5.6 If the decision by Planning Committee is to confirm the TPO, with the minor amendment, this will not necessarily prevent the planning application 18/01041/OUM from being permitted, which if allowed will likely include the removal of the TPO trees to achieve the site layout proposed.
- 5.7 If the Planning Committee decide not to confirm the TPO, the TPO will lapse and the owners can then remove the trees.

APPENDIX 1 – Letter of objection to the TPO on behalf of the owners.

APPENDIX 2 – Email supporting the TPO, received during the consultation period.

APPENDIX 3 – Documents:

- Copy of the TPO E/08/19 document and Formal Notice documents, with the minor amendments signed by the Planning Manager.
- ECDC TPO Assessment Sheet

Background Documents

Location(s)

Contact Officer(s)

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/>

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East Cambridgeshire District Local Plan 2015
Planning Application 18/01041/OUM