
MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/05/17

Location: 6 Hop Row, Haddenham, Cambridgeshire, CB6 3SR

Applicant: N/A

Agent: N/A

Reference No: TPO/E/05/17

Case Officer: Neil Horsewell, Trees Officer

Parish: Haddenham

Ward: Haddenham
Ward Councillors: Councillor Cheetham
Councillor Hugo
Councillor Smith

[S12]

1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for 1 Silver Birch tree at 6 Hop Row, Haddenham. This matter is being referred to Committee to consider the 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:

- Serving the TPO will support the Council's Trees Officer's comments on the planning application 16/01745/FUL, objecting to the proposed removal of the Silver Birch tree on the west boundary of the site, to allow the proposed development to build a new side extension to the existing house at 6 Hop Row.
- The Silver Birch tree contributes visually to the amenity of the local landscape of this central part of Haddenham village.
- The loss of the Silver Birch 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 a planning application to build a new side extension to the house at 6 Hop Row, Haddenham, including the proposal to remove 1 Silver Birch tree on the western boundary. (Planning Application 16/01745/FUL was subsequently withdrawn on 20th February 2017).

4.2 The Council's Trees Officer placed a TPO on the Silver Birch tree because of the significance of its loss from the street-scene (within the Haddenham Conservation Area), in terms of visual amenity if the tree was removed.

4.3 A TPO was therefore served on 28th March 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 support the Trees Officer's recognition of the amenity value of the Silver Birch tree in the local landscape
- to support the objection to the loss of the tree for the proposed development in planning application 16/01745/FUL

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

4.5 The Silver Birch tree is in reasonable health and visible to the public from Hop Row and the surrounding street-scene. The TPO Silver Birch tree contributes to the local landscape, with few trees set within the frontages of the properties in this location in the centre of the village.

4.6 Objections to the serving of the TPO on the Silver Birch tree were received during the consultation period. Copies of the objections received are in Appendix 1 of this report.

4.7 In summary the objections made were:

Nuisance:

- Branches close to telephone wires
- Branches overhanging neighbouring property
- Pollen allergies exacerbated by presence of the tree pollen
- Slip hazard created by leaf fall to neighbouring property

Tree health:

- Tree suffered branch damage in recent winds
- Risk of branch failure in high winds
- Weeping joint halfway up the tree
- Safe Useful Life Expectancy 10-20 years
- Tree already damaged by proximity to concrete driveway

Consistency

- A tree split at Haddenham Recreation ground, at the rear of Hop Row, and the Council gave approval for removal of this tree
- A Copper Beech tree at a neighbouring property was previously approved for removal

Planning application

- Preservation of the Silver Birch tree would prevent a necessary extension to existing property
- Tree to be replaced by 2 Silver Birch trees in reference to planning application
- Request for Planning Committee Members to consider all the previous objections raised by neighbour during the consultation to plan application 16/01745/FUL (in Appendix 2 of this report)

Process

- Tree Preservation Order has been served during the consideration of a planning application and raised separately, outside the planning process

Amenity

- There are many other trees in the wider landscape of greater amenity value therefore the loss would not have a significant negative impact on the local street-scene and it's enjoyment by the public.
- Public view of the Silver Birch tree is blocked by Leyland Cypress tree at the front of the site.

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

Nuisance:

- Proximity of tree branches to wires and buildings can be managed by pruning operations.
- The removal of this single tree would have a negligible impact upon amount of tree pollen released within the local environment.

- General nuisance is considered an acceptable condition for sustaining trees with urban environments.

Tree Health

- The tree was assessed during site visits and considered to have no defects within the canopy that present a significant risk.
- The tree was assessed to provide a substantial remaining contribution to offer the landscape in excess of 30 years, as minimal defects are presently observed.

Consistency

- Each tree is considered on a case by case basis and the various factors affecting previous decisions may not be applicable to this decision.

Planning application

- The decision relating to confirmation of this Tree Preservation Order must consider the case of preserving the tree on the grounds of public amenity only. Matters relating to planning approval should be considered within the planning decision process of that individual case.
- Planning approval overrides the necessity to seek permission for tree removal when full planning permission has been granted.
- Comments relating to application 16/01745/FUL are referenced within Appendix 2 of this report.

Process

- It is stated within *Tree Preservation Orders – A guide to the Law and Good Practice* in reference to the expediency for making a TPO:
It may be expedient to make a TPO if the Local Planning Authority believe there is a risk of a tree being cut down or pruned in ways which would have a significant impact on the amenity of the area, and also when the tree will be lost from development pressures.

Amenity

- The tree is clearly visible from locations accessible to the public.
- The tree offers a valuable natural landscape contribution to the Haddenham Conservation Area.
- The tree is visually attractive and provides significant amenity value to the street scene currently.
- The tree has the potential to provide amenity for many years, and increase its environmental landscape contribution as the tree develops to full maturity.

5.0 **CONCLUSIONS**

- 5.1 Whilst determining if trees are of sufficient amenity value or not is to some extent subjective, the Trees Officer remains of the opinion that this

Silver Birch tree is visually important. There may be opportunity for an alternative layout, to build a new extension without the need to remove the Silver Birch tree on the western boundary of 6 Hop Row, subject of the recent planning application to build a new side extension. The tree could therefore be retained within the local landscape, where it makes a positive contribution to the character of the area.

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 Silver Birch tree in the future, if and when tree work is required.

6.0 **APPENDICES**

Appendix 1 – Emails received during the consultation period, with objections to the serving of the TPO;

Appendix 2 – Copy of neighbour’s comments for Planning Application 16/01745/FUL.

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
<ul style="list-style-type: none"> • TPO E/05/17 • 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 • Planning 	<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>

Application
16/01745/FUL &
supporting Tree
Consultant's report
March 2017 &
Trees Officer's
comments of
15/02/17

- Emails of objections to the TPO (See Appendix 1)
- Neighbour comments on planning application 16/01745/FUL (See Appendix 2)