

**AGENDA ITEM NO.13**

**PLANNING COMMITTEE**

<b>Date</b>	<b>2 MAY 2012</b>
<b>Title</b>	<b>TPO 12/2003, LAND SOUTH-EAST OF 11 SIXTH AVENUE, WISBECH</b>

**1. PURPOSE**

The purpose of this report is to request authority from members to revoke Tree Preservation Order (TPO) at land south-east of 11 Sixth Avenue, Wisbech given that it has been superseded by TPO08/2011.

**2. SUMMARY**

Matters relating to the issue and confirmation of unopposed TPOs are normally dealt with by delegated powers, however the revocation of any confirmed TPO falls outside the scheme of delegation and as such this matter is duly referred to Committee for authority to proceed with the revocation.

All trees worthy of protection on the site have been identified and form part of a replacement TPO 08/2011 which was confirmed on 26 January 2012 under delegated powers as an unopposed order.

**3. RECOMMENDATION**

It is, therefore, recommended that members confirm that TPO 12/2003 is formally revoked.

<b>Forward Plan Reference No.</b> <small>(if applicable)</small>	Not applicable
<b>Portfolio Holder(s)</b>	Not applicable+
<b>Report Originator</b>	Alison Callaby, Planning Performance Manager
<b>Contact Officer(s)</b>	Alison Callaby, Planning Performance Manager
<b>Background Paper(s)</b>	TPO 12/2003 and TPO 08/2011

## 1. BACKGROUND

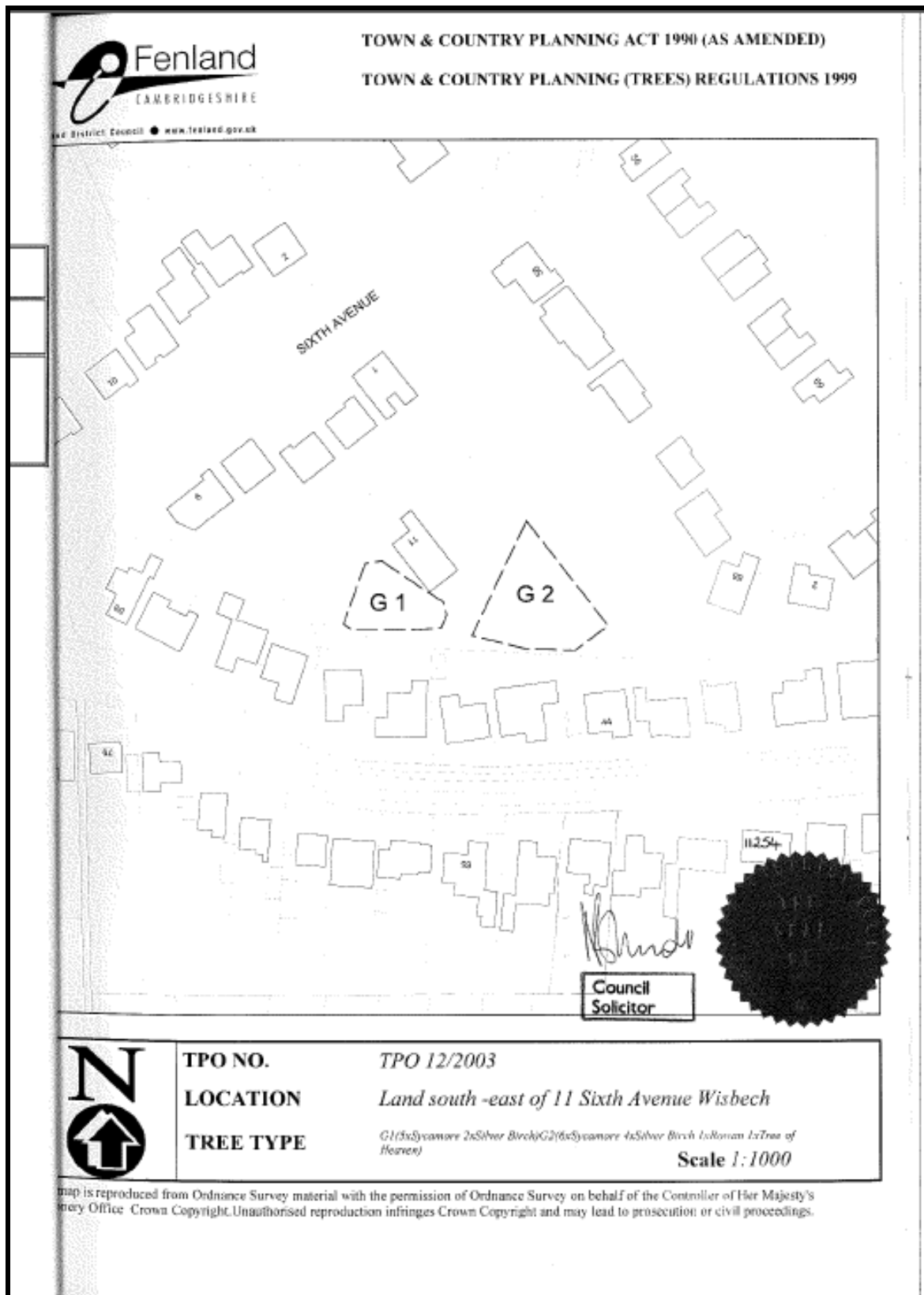
- 1.1 Following a review of the site in response to an enquiry, it became apparent that the historic TPO did not reflect the species and location of trees in situ. Furthermore the owner noted that the 11 sycamore referred to in the document had never existed on the site.
- 1.2 The site was surveyed and the trees assessed by the Council's Tree Consultant who recommended that a new TPO be prepared which reflected the on site situation. The following trees were duly identified within the new TPO as providing an interesting landscape feature of high amenity value, contributing to the character of the area.

TPO 08/2011 (recent)	TPO 12/2003 (Historic)
1 Maidenhair	5 Sycamore
1 Indian Bean	2 Silver Birch
1 Box Elder	6 Sycamore
4 Silver Birch	4 Silver Birch
1 Tulip	1 Rowan
1 Norway Maple	1 Tree of Heaven (consent granted to fell 19 February 2010)

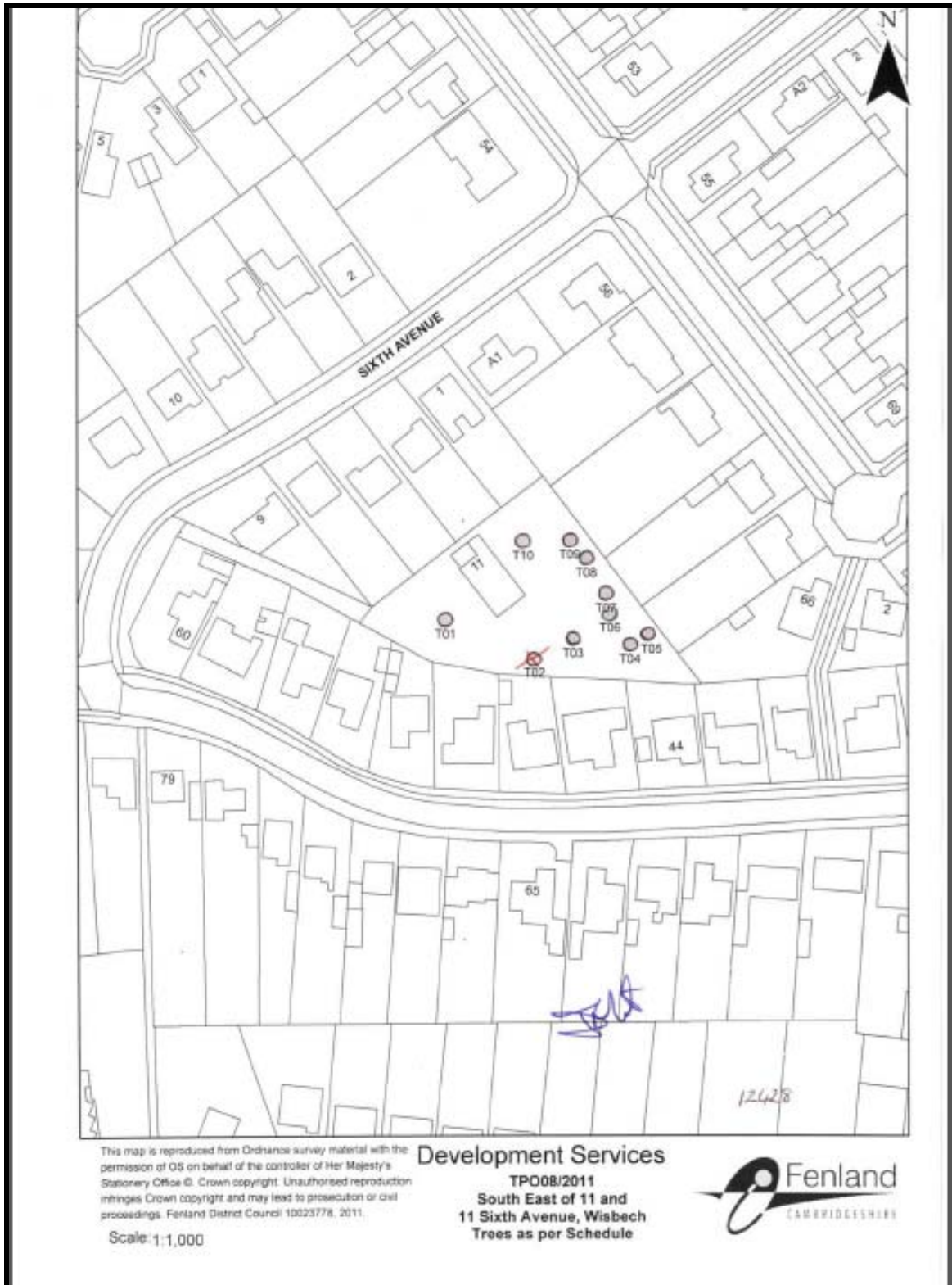
- 1.3 Given that the original TPO refers to 2 'Groups' of trees and does not plot individual trees and their locations it is not possible to ascertain where and how the discrepancy has occurred. The Council's Tree Consultant has made a new TPO which reflects the on site situation and whilst it is unclear as to how this situation has occurred there is nothing to suggest on any records, or on site, that any existing TPO has been compromised.

## 2. ASSESSMENT

- 2.1 The earlier Order has been superseded by the more recent Tree Preservation Order which was approved under Delegated powers in accordance with the Constitution.
- 2.2 Officers are satisfied that there are no matters arising from the historic TPO which would suggest an alternative course of action.
- 2.3 It is considered essential that the TPO and the Council records should reflect the on site situation and given that the trees on site are now suitably protected by virtue of TPO 08/2011 it is recommended that authority be given to Revoke TPO 12/2003
- 2.4 The formal process to effect this change will be to endorse the original Order with a statement to the effect that the order has been revoked, specifying the date of revocation. In addition the LPA will notify the persons interested in the land affected by the Order that the Order has been revoked and will withdraw from public inspection the copy of the original Order.



Not to Scale



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