

Reference: TPO 05/2015 – Tree Preservation Order for 2 Yew Trees

Location: 1 St Martins Road, Chatteris

Description: Tree Preservation Order for 2 Yew Trees

Reason for Committee: An objection to the proposed TPO has been received and therefore in-line with the Council's constitution it must be considered by the Planning Committee

1 EXECUTIVE SUMMARY

The purpose of this report is to advise members of the current situation in respect of confirmation of a Tree Preservation Order (TPO) at 1 St Martins Road, Chatteris

Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and only where objections to the Order are received are some matters referred to this committee.

A TPO was placed on the 2 Yew Trees on 7 September 2015 following a notification for their felling. The trees are located within the residential curtilage of 1 St Martins Road, Chatteris and within the Chatteris Conservation Area.

One objection has been received in respect of overhanging branches onto the neighbouring property and the dropping of fruit and the opinion that the trees have outgrown their built up surroundings. Additionally the objector considers that the trees have low amenity value.

Making the 'Order' is considered expedient as the 2 Yew trees contribute to the amenity of the area, visible along St Martins Road and also from East Park Street. The trees are therefore prominent and clearly visible in the street scene and their loss or inappropriate reduction would be detrimental to local amenity and therefore merit the protection through a TPO.

It is therefore recommended that members confirm the TPO in respect of the specified trees at 1 St Martins Road, Chatteris.

2 SITE DESCRIPTION

- 2.1 The trees lie in the Chatteris Conservation Area and at the south corner of No 1 St Martins Road. The trees are directly adjacent to the north east boundary of The Old Forge and are visible from along St Martins Road and from East Park Street when approaching from the south and glimpses can be gained from Belmont Gardens to the south

3 BACKGROUND

- 3.1 A notification to fell the 2 Yew Trees was received on 27 July 2015 ref: F/YR15/0628/TRCA – 'notification for works to trees in a Conservation Area' in-line with s211 of the Town and Country Planning Act 1990 which requires the applicant

to give the Council 6 weeks notification of the intention. The Council therefore has 6 weeks to consider the impact of the works.

- 3.2 Following a site visit by the Council's Arboricultural Officer it was concluded that the trees had significant amenity value to the streetscape and the proposal to fell the 2 Yews could not be supported.
- 3.3 There is no provision within the legislation to 'refuse' the proposed works and therefore the only mechanism to prevent the works is to place a TPO on the tree(s)
- 3.4 Therefore the Local Planning Authority sought to issue a TPO.
- 3.5 The Order was subject to a 28 day period for the receipt of any objections prior to final confirmation.

4 OBJECTIONS

- 4.1 A letter of objection was received on 28 September 2015 from a resident adjacent to the site. The objection is summarised as follows;
 - i. That part of the canopy overhangs and lays on the garage roof which results in berries from the tree landing the garden.
 - ii. The objector considers the berries to be a hazard for her grand children
 - iii. The trees have outgrown the enclosed space given the surrounding development and will restrict future development
 - iv. Considers the trees are not immediately visible from the High Street and therefore have low amenity value
 - v. Considers a smaller, mature tree would be more appropriate in this location.

5 THE COUNCIL'S ARBORICULTURAL OFFICER'S COMMENTS

- 5.1 The Council's Arboricultural Officer has considered the resident concerns and the Council are able to respond as follows;
 - i. The canopy can be carefully pruned back and shaped to provide clearance to the neighbouring garage which would subsequently reduce the quantity of berries falling onto the garden. A TPO does not prevent future works to trees but instead gives the authority greater control in avoiding inappropriate works.
 - ii. All parts of a Yew Tree are potentially toxic and whilst the seed is poisonous, the berry itself is edible. Also notes that many plants are toxic to humans.
 - iii. The increase in development in St Martins Road reinforces the need to maintain prominent trees to soften the built environment, intercept pollutants and produce oxygen (and enhance biodiversity).
 - iv. The trees are visible from St Martins Road and from East Park Street and are considered to provide a significant amenity feature.
 - v. Replacing prominent trees with smaller trees would reduce the visual impact provided by the current Yews and would take a number of years to reach significant size (and matching amenity value).

6 CONCLUSION

- 6.1 Following receipt of the above objections to the confirmation of TPO 05/2015, the proposed Order has been reviewed. The placement of a TPO does not prevent tree works but gives the Local Planning Authority control over 'inappropriate' works.
- 6.2 Section 72 of the Town and Country Planning Listed Buildings and Conservation Areas Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of buildings or land in a conservation area.
- 6.4 It is therefore recommended that the TPO is confirmed in accordance with the Order TPO 05/2015 as the trees have been identified as being of significant amenity value to the streetscene and the character of the conservation area.





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TPO 05/2015
1 St Martins Road, Chatteris
T01 Yew
T02 Yew

