

TPO04/2016

TPO Land East Of 6, Queen Street, Whittlesey, Cambridgeshire

Tree Preservation Order for 1 Ash tree

Reason for Committee: Objections to the proposed TPO have been received and therefore in accordance with the Council's constitution the TPO 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) on land to the rear of 6 Queen Street, Whittlesey.

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

A TPO was placed on an Ash tree on 8 November 2016 following a Section 211 Notice to fell the tree. The tree in question is located to rear of Lloyds Bank, 6 Queen Street, Whittlesey, within an enclosed courtyard area and in Whittlesey Conservation Area.

Two objections have been received in respect of works being required to make the tree safe and avoid damage and danger of adjoining structures, leaf litter and damage to a boundary wall.

The Order is considered expedient as the tree is considered to be of amenity value to the town centre as it is clearly visible from Market Street, particularly in the area of the War Memorial. There are also views above the buildings from the Buttercross, Station Road and long views from Syers Lane. The tree contributes to the amenity and character of the town centre and merits retention and is therefore worthy of a TPO to ensure continued tree cover at the site.

It is therefore recommended that members confirm the TPO in respect of this tree.

2 SITE DESCRIPTION

- 2.1 The tree in question is located to rear of Lloyds Bank, Queen Street, within an enclosed courtyard area. However the tree is visible from Queen Street, Market Street and there are views above the buildings from the Buttercross, Station Road and long views from Syers Lane, hence the tree is considered to be of amenity value to the town centre. The Ash tree is within a conservation area

3 SITE PLANNING HISTORY

F/YR16/1131/TRTPO	Works to 1no Ash tree covered by TPO 04/2016	Granted 02/02/2017
F/YR16/0906/TRCA	Felling of 1 Ash tree within a Conservation Area	TPO 04/2016 was imposed to prevent the felling of the tree

4 BACKGROUND

- 4.1 An application to fell the Ash tree was received on 4 October 2016, Ref: F/YR16/0906/TRCA – ‘ notification for works to trees within a Conservation Area’ in accordance with Section 211 of The Town and Country Planning Act 1990 which requires the applicant to give the Council 6 weeks notification of intention. The Council therefore has 6 weeks to consider the impact of the proposed works.
- 4.2 Following a site visit by the Council’s Arboricultural Officer on 7 November 2016 it was concluded that the tree was of amenity value to the town centre, contributing to the character of the area and therefore merits retention, as such the application could not be supported.
- 4.3 There is no provision within the legislation to refuse an application under Section 211, hence the only mechanism to prevent the felling of the tree is to place a TPO on it. Therefore the Local Planning Authority sought to create a TPO.
- 4.4 The Order was subject to the relevant consultation of those that may have the right to undertake works to the tree and a site notice was also posted regarding this. There is a 28 day period for this consultation which has since expired.
- 4.5 If any objections are received and these are not withdrawn the TPO is required to be considered by the Planning Committee in accordance with the Council’s constitution.
- 4.6 Following discussions by the Council’s Arboricultural Officer a further application was submitted on 8 December 2016 to undertake works to the tree ref: F/YR16/1131/TRTPO and this was granted on 2 February 2017, all those notified of the creation of the TPO were consulted on this application and no further comments have been forthcoming. It was felt prudent to allow the determination of this application prior to presenting the TPO to Committee.

5 OBJECTIONS

- 5.1 Two letters of objection have been received:
 - a) An objection has been received from Eastern Properties Anglia Ltd on 25 November 2016 the basis that work is required to the tree to make this safe to avoid damage and danger to the structures on adjoining property. Subsequently on 8 December 2016 a letter was received on behalf of Eastern Properties Anglia Ltd from Buckles Solicitors requesting confirmation the comments would be taken into consideration before the order is confirmed.
 - b) A second objection was received from Rutland Estates owners of 2/3 Market Place on 22 November 2016 to advise that the tree is causing

extensive cracking to the boundary wall and concerns regarding drainage along with leaf litter.

6 THE COUNCIL'S ARBOURICULTURAL OFFICER'S COMMENTS

6.1 The Council's Arboricultural Officer responded to the objections as follows:

- a) It was advised that a TPO does not prevent works being done but stops inappropriate work being carried, of acceptable works that could be carried out and that the TPO would need to go to Planning Committee due to objections being received.
- b) A site visit was undertaken with the objector and it was pointed out that there were at least 6 other trees in the garden that would contribute to the leaf litter and that leaves are not considered to be a nuisance under common law. It was advised that as the tree had been pollarded in the past a crown reduction of 3m all round would be agreed to and it is considered the tree is worthy of a TPO due to its age and contribution to local amenity. The Arboricultural Officer also advised that he would not sanction the removal of a mature tree for a small section of wall and that an engineering solution was appropriate in this situation.

7 CONCLUSION AND RECOMMENDATION

- 7.1 Following receipt of the above objections to the confirmation of TPO 4/2016, the proposed Order has been reviewed. The placement of a TPO does not prevent works to trees but does provide the Local Planning Authority with control over what are considered to be 'inappropriate' works.
- 7.2 It is therefore recommended that the TPO is confirmed in accordance with TPO 04/2016 as the tree contributes to the amenity and character of the town centre and conservation area and is clearly visible from Market Street, particularly in the area of the war memorial (a Grade II Listed Building) and above the buildings from the Butter Cross (a Grade II* Listed building), Market Place and Station Road, softening the buildings surrounding it and providing landscape value to the area.



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Land east of 6 Queen Street
Whittlesey
T01 - Ash



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