

<b>PLANNING COMMITTEE</b>	
<b>Date</b>	<b>12<sup>th</sup> September 2018</b>
<b>Title</b>	<b>TPO reference: 09/2018 – TPO Footpath East of 16 Nene Parade, March</b>

### **1. PURPOSE**

The purpose of this report is to request authority from members to confirm Tree Preservation Order (TPO) 09/2018 TPO Footpath East of 16 Nene Parade, March and endorse the suggested way forward with regard to addressing issues of maintaining the boundary wall belonging to N0.20 Nene Parade, whilst retaining the Ash tree.

### **2. SUMMARY**

Matters relating to the issue and confirmation of unopposed TPOs are normally dealt with by delegated powers. However, when objections to the making of a TPO have been received it falls outside the scheme of delegation and as such this matter is duly referred to Committee for authority to proceed with confirming the order.

It is also necessary to alert Committee Members to discussions between the tree's owner, being West Sussex County Council, and the Council's Arboricultural Officer. These discussions relate to the proposal of an engineered solution relating to the neighbouring boundary wall at No.20 Nene Parade whilst retaining the Ash tree on site. Acknowledgement of the recommended solution has not yet been received from West Sussex County Council, or that of the leaseholder, being Sainsburys Supermarkets Ltd, hence the need to confirm the TPO status of the Ash tree.

### **3. RECOMMENDATION**

**It is therefore recommended that members authorise that TPO 09/2018 is formally confirmed.**

<b>Forward Plan Reference No.</b> (if applicable)	Not applicable
<b>Portfolio Holder(s)</b>	Not applicable
<b>Report Originator</b>	Vanessa Cartwright-Bremner, Development Officer
<b>Contact Officer(s)</b>	David Rowen, Development Services Manager
<b>Background Paper(s)</b>	TPO 09/2018

## 1. BACKGROUND

1.1.1 An application was submitted on 16<sup>th</sup> May 2018, by Sainsburys Supermarket, which sought consent to fell an Ash tree within the March Conservation Area on land east of no.16 Nene Parade. The justification given was that the tree's root activity was adversely affecting the fabric of the brick boundary wall belonging to the neighbouring property at No.20 Nene Parade.

1.2 An assessment of the tree by the Council's Arboricultural Officer noted that:

'The tree is an Ash growing close to the boundary wall of adjacent property. The tree is located within a public seating area on a footpath to the Sainsburys Supermarket. The tree has a full healthy crown and is approximately 11m in height with a trunk diameter of 46cms; the tree is prominent and of significant amenity value being accessible to the public.

The boundary wall has significant stepped cracking, and historic cracking that has been repaired in the past and subsequently reopened. Whilst it is likely that the tree is responsible for the cracking, using the CAVAT method of tree valuation (Capital Asset Value for Amenity Trees), the system provides a basis for managing trees in the UK as public assets rather than liabilities. Using this system on the tree in question gives a monetary value of £20,127.10. The tree represents a considerable investment and contribution to amenity, and as such I consider that an engineered solution should be applied to this situation. I therefore recommend that a TPO is placed on the tree, and that the tree owner consult a structural engineer to determine if the cost of a long-term engineered solution to the damage is cost effective when compared to the value of the tree'.

1.3 A TPO was subsequently raised on 25<sup>th</sup> day of June and as required by the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of the order was served on persons interested in the land affected by the Order; a site notice was also displayed.

1.4 In response to the making of the Order the following representation has been received:

### Objection 1: Neighbouring Property at No.20 Nene Parade

- Has questioned the tree's amenity contribution to the area
- Branches overhang the property
- Falling leaves blocking water goods on garage
- Tree not suitably planted initially. Therefore, outgrown its location
- Children climb the wall to get into the tree, in doing so dislodge coping stones

## 2. ASSESSMENT

2.1 The above objection has been duly considered by the FDC Arboricultural Officer. As stated above, a proposal has been recommended to address issues regarding the damage believed to be caused by the Ash tree to the boundary wall belonging to No.20 Nene Parade, by an engineered solution, and has been put to the owner of the land, being West Sussex County Council, and the lease holder, being Sainsburys Supermarket Ltd.

2.2 However, due to an agreement not yet being made to address the above issue by West Sussex County Council or Sainsbury Supermarket Ltd, accordingly the requirement of the TPO to protect the Ash tree located within the March Conservation Area is necessary.

### **3. CONCLUSION**

- 3.1 Following receipt of the above objections to the confirmation of TPO 09/2018, 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.
- 3.2 Section 72 of the Town and Country Planning Listed Buildings and Conservation Areas Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of buildings or land within a Conservation Area.

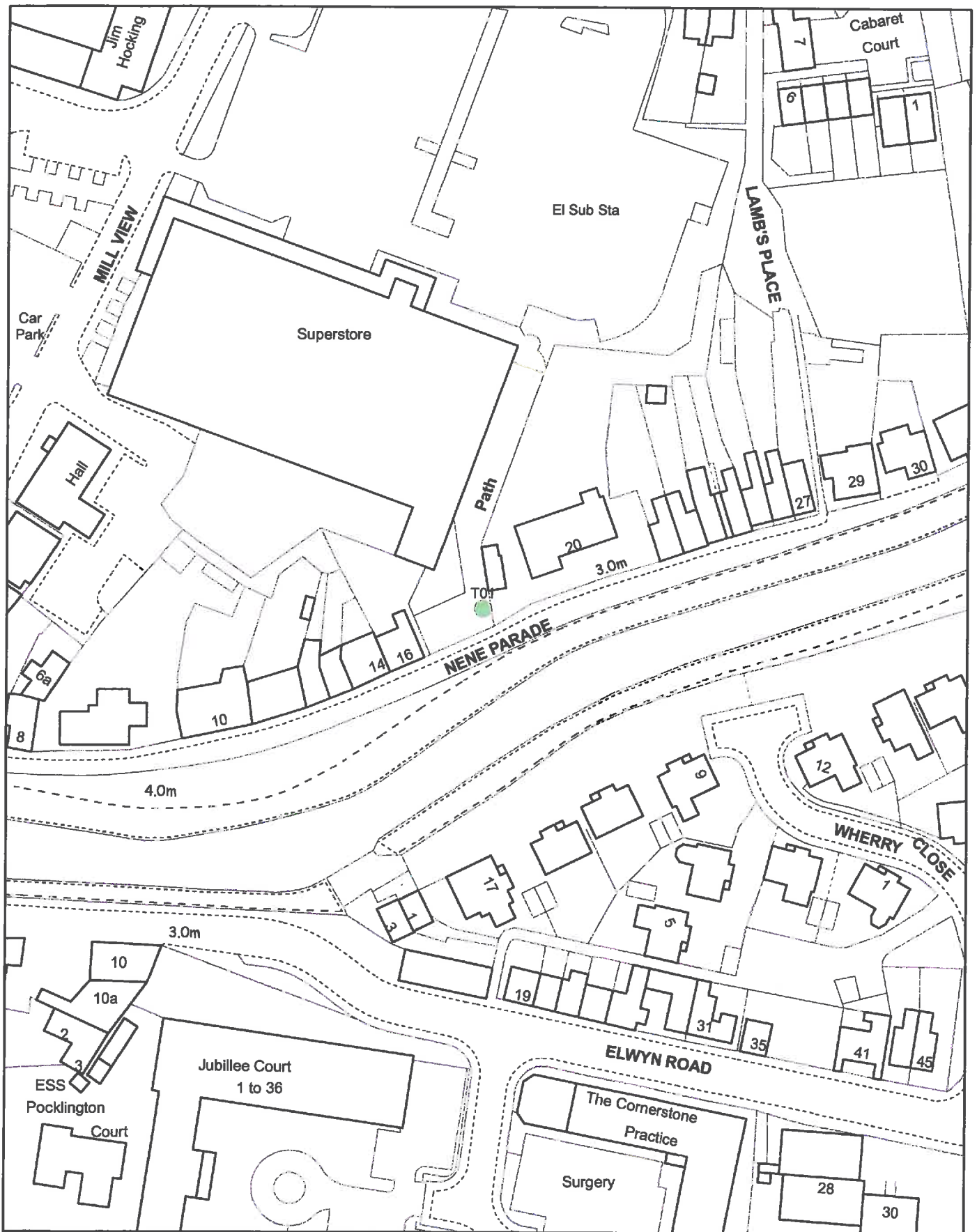
### **4. RECOMMENDATION**



- 4.1 It is therefore recommended that the TPO is confirmed in accordance with the Order TPO 09/2018 as the Ash tree has been identified as being of significant amenity value to the streetscene and the character of March Conservation Area.

# Appendix 1 – Location of TPO 09/2018



Created on: 25/08/2018	Scale = 1:1,000	N	
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<b>TPO09/2018</b> <b>TPO Footpath East Of</b> <b>16 Nene Parade, March</b> <b>T01 - Ash</b>			



<p>Created on: 25/06/2018</p> <p>Scale = 1:1,000</p>	<p><b>TPO09/2018</b>  <b>TPO Footpath East Of</b>  <b>16 Nene Parade, March</b>  <b>T01 - Ash</b></p>	<p>N</p> 	 <p>Fenland CAMBRIDGESHIRE</p> <p>Fenland District Council</p>
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