

PLANNING COMMITTEE	
Date	27th March 2019
Title	TPO reference: 02/2019 – TPO within the rear garden of 2 Claygate, Whittlesey.
1. PURPOSE	
<p>The purpose of this report is to request authority from members to confirm Tree Preservation Order (TPO) 02/2019 TPO within the rear garden of 2 Claygate, Whittlesey.</p>	
2. SUMMARY	
<p>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.</p> <p>A TPO was placed on the Silver Birch tree as the owner wished to fell it. The tree was identified as a healthy mature specimen which is considered visually prominent within the local area and of high amenity value.</p> <p>3 objections to the TPO were received which are summarised as follows:</p> <ul style="list-style-type: none"> - <i>The tree is not a native species of the Fenland area</i> - <i>The tree was never before regarded as significant</i> - <i>The TPO was imposed in haste without sufficient consideration</i> - <i>The tree is too large, overhanging our neighbour's properties at 25 and 27 Orchard Street</i> - <i>We are fearful of storm damage and associated financial liability if the tree causes damage, as well as the health and safety of neighbours</i> - <i>the owner and neighbours are pensioners and the tree causes worry and concern to those around it.</i> - <i>the tree is a nuisance with bits dropping off and clogging the gutters</i> - <i>branches occasionally fall off into our garden</i> - <i>It is growing near our roof</i> - <i>The tree is too big and a considerable amount overhangs our property</i> - <i>A branch could fall in strong winds, damaging property or injuring persons</i> - <i>would like the tree cut down or cut back by at least fifty percent.</i> 	
3. RECOMMENDATION	
<p>It is therefore recommended that members confirm the TPO in respect of the Silver Birch tree within the grounds of 2 Claygate, Whittlesey.</p>	

Forward Plan Reference No. (if applicable)	Not applicable
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Portfolio Holder(s)	Not applicable
Report Originator	Tracey Meachen, Senior Development Officer
Contact Officer(s)	David Rowen, Development Services Manager
Background Paper(s)	TPO 02/2019

1. BACKGROUND

1.1 An application was submitted on 02 January 2019, which sought consent to fell a Silver Birch tree within the Whittlesey Conservation Area which is located to the north east corner of 2 Claygate, Whittlesey, and adjacent the boundary of numbers 25 and 27 Orchard Street. The justification given was that the Silver Birch has become overgrown and overhangs the neighbour's garden, and which has removed light from the neighbouring property.

1.2 An assessment of the tree by the Council's Arboricultural Officer noted that: *'The tree is a mature specimen with a full healthy, generally well-balanced crown. The tree is prominent and of high amenity value being visible from Claygate, Orchard Street and some visibility from Searles Court and the western end of Delph Street. Orchard Street (B1040) is a reasonably busy road and the tree is important in providing character to an area that has few other mature trees in the immediate vicinity.'*

The Arboricultural Officer also pointed out that some mitigation could be addressed by pruning the tree rather than felling.

1.3 A TPO was subsequently raised on the 14th day of February 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.

1.4 In response to the making of the Order the following representations have been received:

Objection 1:

- The tree is not a native species of the Fenland area - was never before regarded as significant - TPO was imposed in haste - tree is too large, overhanging our neighbour's properties at 25 and 27 Orchard Street - fearful of storm damage and financial liability if the tree causes damage as a result, and the health and safety of neighbours - the owner and neighbours are pensioners and the tree causes worry and concern.

Objection 2:

- the tree is a nuisance with bits dropping off and clogging the gutters – branches occasionally fall off into our garden – growing near our roof – would like the tree cut down or cut back by fifty percent.

Objection 3:

- the tree is excessively too big – a considerable part of it overhangs our property – if a branch fell in strong winds it could destroy our shed, damage our house or cause injury – is a fast growing tree not native to the area and should be cut to half its size.

2. ASSESSMENT

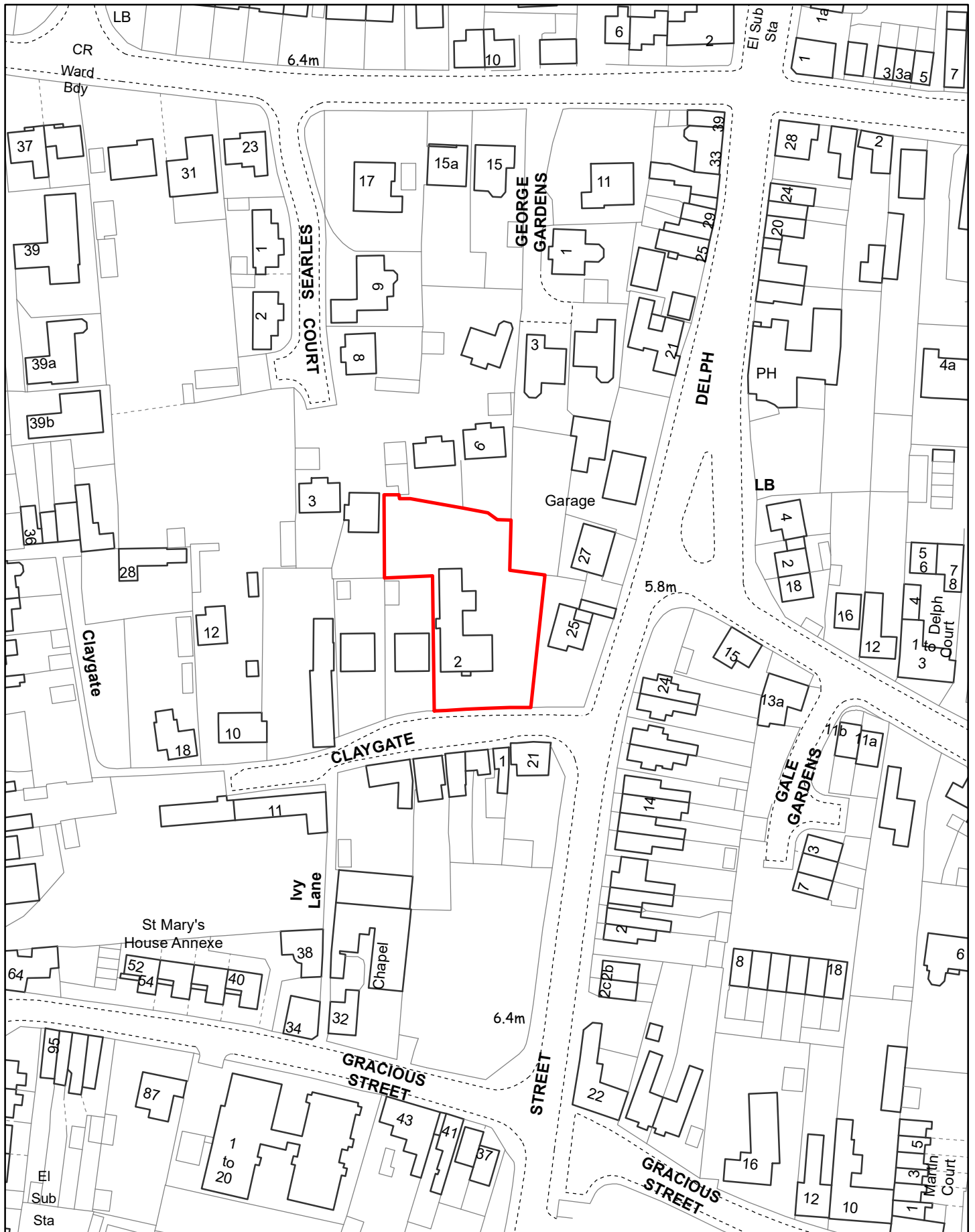
- 2.1 The above objections have been duly considered by the FDC Arboricultural Officer. As stated above, careful pruning of the tree rather than the felling of it has been recommended by the Arboricultural Officer to reduce the impact on nearby dwellings and to reduce the amount of overhanging. The TPO also ensures that when the time comes, and the Silver Birch has to be removed, it would need to be replaced, therefore protecting the visual amenity of the area. Without a TPO, the tree could be felled without this requirement.

3. CONCLUSION

- 3.1 Following receipt of the above objections to the confirmation of TPO 02/2019, 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 02/2019 as the Silver Birch tree has been identified as being of significant amenity value to the streetscene and to the character of Whittlesey Conservation Area.



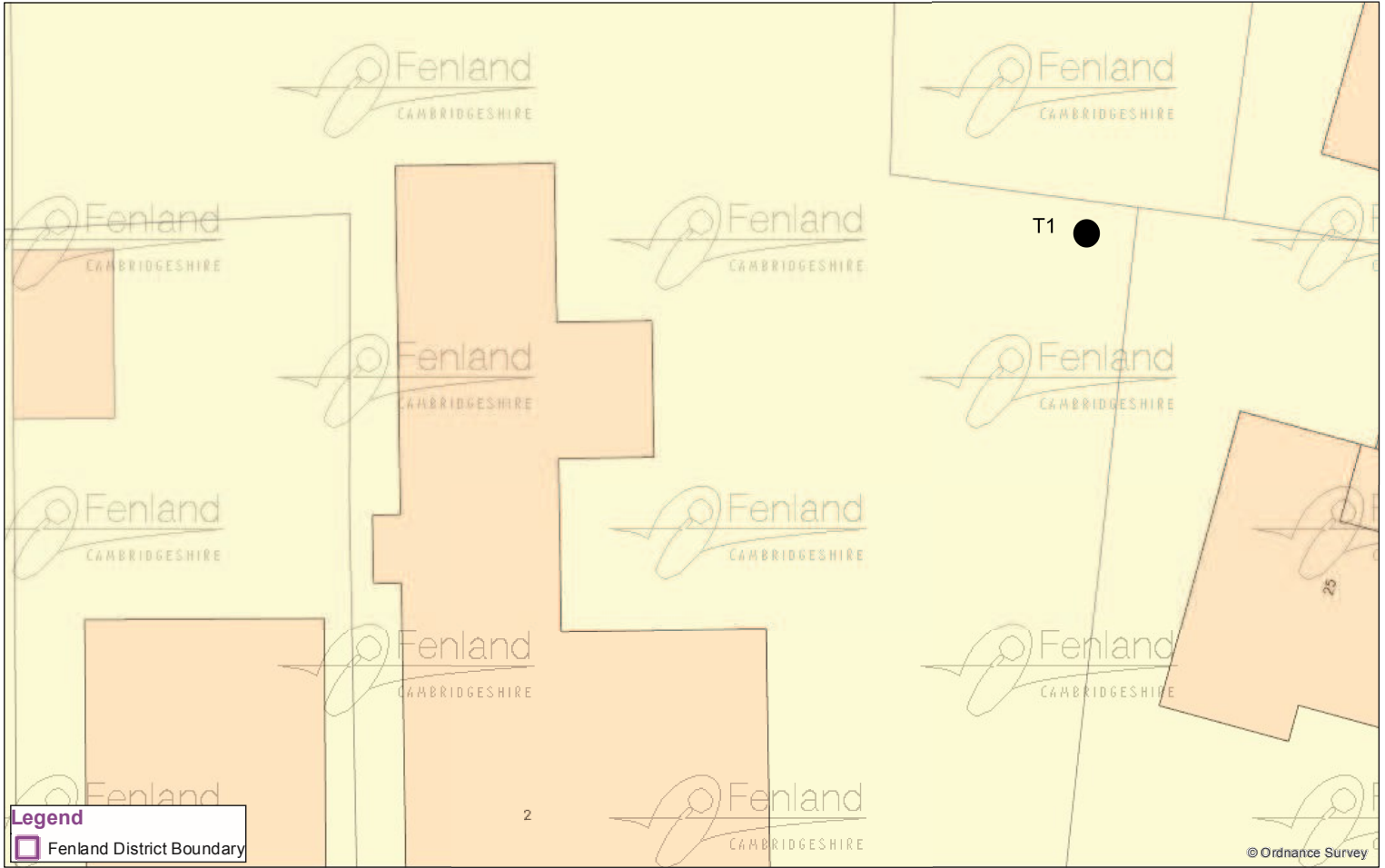
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Scale = 1:1,250





Legend
 Fenland District Boundary

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Fenland Maps T1 - Silver birch
 2 Claygate Whittlesey

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6.5 Metres
 Scale = 1:171

