

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 February 2013

**AUTHOR/S:** Planning and New Communities Director

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### **C/11/17/074/003 - 02/12/SC - OAKINGTON**

**To confirm or not confirm a Tree Preservation Order at 14 Cambridge Road, Oakington**

**Recommendation: Confirm**

**Date for Determination: 17 March 2013**

#### **Notes:**

**This Application has been reported to the Planning Committee for determination because an objection to the serving of Tree Preservation Order 02/12/SC has been made by the owner**

#### **Site and Proposal**

1. 14 Cambridge Road, Oakington comprises a bungalow built in the 1960's on an 'L' shaped plot of approximately 0.25 acres. The site is located near the crossroads where Dry Drayton Road, Water Lane, Longstanton Road and Cambridge Road meet and is outside the Oakington Conservation Area. The end of the garden backs onto properties 9 Dry Drayton Road and 6 – 10 Cambridge Road with mature trees including the subjects of the TPO providing a backdrop.
2. The area on which the trees stand was previously in the ownership of South Cambridgeshire District Council. It was conveyed from the Council to the then owner of 14 Cambridge Road in January 1980. The conveyance included a covenant with the restriction "Not to use the land hereby conveyed except as a private pleasure garden" which "will be binding and run with the land". 14 Cambridge Road was sold in September 2012 and concerns were raised during June and July by local residents over the potential loss of the mature trees by future re-development of the site.
3. A site visit was made and a Tree Evaluation for Making a Preservation Order (TEMPO) undertaken which determined that a TPO was justified. A Tree Preservation Order was served on 17 September 2012 to afford statutory protection to three Sycamore, one Oak, one Beech, and two Sweet Chestnut trees.

#### **Legal background**

4. Local planning authorities may make Tree Preservation Orders if it appears to them to be, "expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area." (Town and Country Planning Act 1990, section 198(1)).
5. Even if a Tree Preservation Order is desirable on amenity grounds, it may still not be expedient to make it if, for example, the tree or woodland, is under good arboricultural

management. However, it may be expedient to make an Order if, say, it was potentially threatened by being cut down, or otherwise pruned in such a way as to have a significant impact on the amenity of the area.

### **Consultation**

6. **Chair & Vice Chair of Planning Committee**

Cllr Turner – Unable to attend consultation site meeting

Cllr Bard – Unable to attend consultation site meeting

7. **Local Members**

Cllr Edwards – Comments awaited

Cllr Wotherspoon – Comments awaited

Cllr Harford – Attended consultation site meeting

8. **Other**

Gas Board – Comments awaited

EDF energy – Comments awaited

Clerk Oakington Parish Council – Comments awaited

9. **Owner** – Objection received 21 September 2012:

- The property was purchased with the intention of redeveloping the site and therefore the notice is potentially disruptive to future plans.
- The owner accepts that the trees are an effective boundary with neighbouring properties but would be willing to erect a suitable fence or replant with a suitable species.
- Light and air to the property and surrounding properties is restricted therefore the trees impact on the value of these properties.
- Only the tops of the trees are visible from the public domain therefore their loss will have minimal impact on the local community.
- The owner notes concerns over limb or complete tree failure and the potential for damage to neighbouring properties.
- The owner notes concerns over root activity and the potential to damage or hinder the proposed erection of a boundary fence.

### **TPO comments**

10. The first part of the TEMPO evaluation scores a tree or trees' amenity value based on three factors. A cumulative value of 7 or more means that scores for further factors can be added.
11. The scores reflected the size of the trees and their location near a main road junction, the retention span of 40-100 years, and the fact that the trees are large and clearly visible to the public.
12. Following a total score of 11, further factors were considered and the trees were identified as a group of trees important for their cohesion. The expediency

assessment identified a perceived threat. This gave a cumulative score of 17 which “definitely merits TPO”.

### **Objections Received**

13. Responding to the points made in the owner’s objection:

- The owner states that the property was purchased with the intent to redevelop the site. This does not invalidate the justification for serving a TPO and should be seen in the light of the covenant restriction on use described above.
- The removal of the mature trees and replacement with a fence and/or replanting would not replace the canopy cover the trees form above the roofline of the surrounding properties.
- The trees do not significantly overhang the neighbouring properties in respect of dwellings although they do overhang garden areas (there is no legal “right to light”). It is unlikely that the trees will be restricting air to the properties. They absorb carbon dioxide, release oxygen and absorb pollutants while providing shade from the sun and intercepting rainfall. Of the four properties affected one is in private ownership the other three are SCDC housing stock.
- The canopy of the trees can be clearly seen on the approach to the junction and surrounding roads. Towering above the roof line these trees make a significant contribution to the landscape of this area as skyline trees.
- Failure of any tree is a possibility and an owner of a tree has a duty of care. The confirming of the TPO does not prevent works to the trees and if any of the trees included in the TPO were to become structurally compromised and unsafe they would be exempt from the TPO.
- The owner states concerns over root activity in erecting a boundary fence or future impact on a boundary fence. Erecting a fence within the rooting area of the trees can be carried out carefully by hand digging all the post holes to avoid damage to the roots and the fence can be placed over any roots if required.

### **Recommendation**

14. Confirm TPO with a variation to correct an administration error that identified a London Plan as one of the three Sycamore trees.

### **Reasons for confirmation**

15. To retain the mature trees that are prominent in the location, providing a treed buffer and softening to the built environment at the cross road junction, and have public amenity value.
16. The confirmation of the TPO would be expedient given the potential threat to the trees.

**Background Papers:** the following background papers were used in the preparation of this report:

- The Town & Country Planning (Tree Preservation)(England) Regulations 2012
- Tree Preservation Orders – A Guide to the Law and Good Practice, Department of the Environment, Transport and the Regions 2000
- Documentation relating to this proposed Tree Preservation Order on a file maintained by the Trees and Landscape Section

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