

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

14 July 2021

AUTHOR/S: Joint Director of Planning and Economic Development

TPO Number:	n/a
Parish(es):	Caxton
Proposal:	Serve a provisional Tree Preservation Order on a developments conditional tree planting
Site address:	Firs Farm, St Peters Street, Caxton, CB23 3PJ
Recommendation:	Tree Preservation Order to be served
Committee Site Visit:	No
Presenting Officer:	Miriam Hill, Trees Officer
Application brought to Committee because:	It is required to under the Council Scheme of Delegation

1.0 Executive Summary

- 1.1 The proposal is to serve a TPO on conditional tree planting within a development site.
- 1.2 Under section 197 of the Town and Country Planning Act 1990 the Local Authority has the duty to ensure that when granting planning permission for any development adequate provision is made for the planting and preservation of trees through condition.
- 1.3 TPO's have the facility to protect conditional tree planting on developments sites beyond the conditional five-year maintenance period following planting. In other words, once the proposed treescape has been approved as part of a soft landscaping scheme, those trees can be protected by a TPO even though they may not be planted for some years.
- 1.4 In accordance with the Council's Constitution, the request to serve a non-emergency provisional TPO comes before Planning Committee.

2.0 Relevant Law

- 2.1 Town and Country Planning Act 1990 Part VIII
Town and Country Planning (Tree Preservation) (England) Regulations 2012
Planning Act 2008 Section 192
Localism Act 2011 Part 6

3.0 Consultations

- 3.1 The formal consultation stage occurs when the provisional Order is served.

4.0 Site and Surroundings

- 4.1 The development site sits on the western edge of Caxton village on a rural and sporadically residential road, St Peters Street. The development scheme creates eight custom self-build dwellings.
- 4.2 The site is outside of the village development framework and therefore considered a rural development. The land surrounding the development is mostly fields with associated outbuildings and barns. The field to the north contains manorial earthworks. The eastern boundary runs along the road with more fields beyond. Few dwellings are within a short distance of the development.
- 4.3 The Landscapes Proposals Plan (titled 401F) soft landscaping plan was approved via condition (reference S/3539/19/DC) following an outline planning application (reference S/2294/16/OL).
- 4.4 The proposed treescape includes tree planting on the eastern edge of the site (along a roadside), northern, southern and western boundaries which border the village edge and streetscene. All proposed tree planting will be included within the TPO.
- 4.5 The TPO schedule which cites which trees are protected will reflect the approved plan but will use designations (i.e. individual, group, woodland or area) which will be flexible enough to cope with minor amendments typical of development sites. This will avoid the need for repeated TPO amendments should the scheme need slight modification when it comes to the installation of the soft landscaping scheme. It will not affect the development management processes associated with applicants applying to vary approved plans.

5.0 Assessment of the conditional tree planting

- 5.1 The key consideration is, is it 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.
- 5.2 Amenity is not defined in law and therefore it is left for local authorities to exercise their judgement. The trees must have reasonable health, visibility and individual, collective or wider impact. Other factors may be considered, such as importance to nature conservation or response to climate change, but only if the trees achieve the basic qualifying factors.
- 5.3 The proposed trees will contribute visually to the area and provide an amount of screening or diffuse the mass of the proposed dwellings from views beyond the site. The roadside trees will help to maintain the rural character of St Peters Street.
- 5.4 As a whole the trees will provide ecosystem services to the future residents of the development such as solar shading and contribute to the canopy cover of the village as a whole.
- 5.5 The proposed tree planting includes native species and cultivars and therefore will contribute to the biodiversity of the area.
- 5.6 At the time of the outline planning permission it was noted by consultees and officers that the sites existing, and proposed landscape should be dealt with as one cohesive site rather than eight plots, bringing the resolution of landscaping matters forward in the planning process. Creating a TPO at this point in the development process, rather than

waiting until the site is parcelled up and developed will ensure the trees are protected for the future whilst reducing the amount of administration for SCDC.

6.0 Proposal

- 6.1 The proposal is to serve a provisional TPO on those with an interest in the land and invite those parties an opportunity to submit objections, comments or representations. The responses will be considered and aid the decision to amend, confirm or not confirm the Order.
- 6.2 Should the decision be taken to confirm the Order, it will return to the Planning Committee to request that the Order be confirmed.
- 6.3 Once confirmed, no further action needs to be taken by the District Council. The Order takes effect from when the trees are planted and does not affect any development conditions requiring the establishment and maintenance of the tree planting scheme for the first five years.

7.0 Recommendation

- 7.1 The Tree Officer recommends that the Committee APPROVES the issuing of a non-emergency provisional TPO.

8.0 Background Papers:

- 10.1 The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.
 - Copy of the approved soft landscape scheme.

Report Author:

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