

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning and New Communities Committee
AUTHOR/S: Head of New Communities

5 November 2014

34 FEN ROAD, MILTON, CAMBRIDGESHIRE

**Report on Tree Preservation Order to be confirmed
C/11/17/072/01 02/14/SC
Recommendation: to Confirm without modification**

Deadline for confirmation of provisional TPO: 18 February 2015

To be presented to the Committee by Jane Green

Site

1. The tree the subject of TPO 02/14/SC is a large, mature Horse Chestnut located in the rear garden to 34 Fen Road, Milton and is outside of the Milton Conservation Area.
2. The site comprises a two-storey detached dwelling in red brick of 1960s vintage, set back from the highway with informal gardens to the front and rear which are set to lawn including trees and shrubs.
3. The submission seeks to confirm, without modification, the Tree Preservation Order served on 18 August 2014 after having received objections from Miss Jenny Hawksley (the Executor to the property) and Mr David Hammersley, a neighbour, of 36 Fen Road, Milton.

History

4. The property containing the subject tree, 34 Fen Road was for sale during summer 2014 (sale agreed at time of writing). In mid-August 2014 SCDC received an enquiry from an estate agent as to whether there were any protected trees on the site and a prospective purchaser approached a neighbour asking about the tree. The neighbour contacted the Council as he was concerned that the tree was under threat of removal and asked that a TPO be made to protect it.
5. A provisional TPO was made and served on 18 August 2014 covering one horse chestnut. At the time 34 Fen Road was unoccupied and a copy of the TPO was fixed on site. Nearby neighbours were served with a copy of the TPO for information. The TPO document is at appendix 1.
6. On 1st September SCDC received an objection to the TPO from Miss Jenny Hawksley acting as executor to 34 Fen Road where the tree is situated which is shown at appendix 2.

Reasons to serve a TPO

7. Government advice to authorities continues to be that risks to trees with amenity value can include changes in property ownership. The prospect of Tucker Gardner marketing the property was itself a valid reason to serve a provisional TPO.
8. The neighbour who nominated the tree for a TPO stated that the prospective purchaser who approached him considered the tree to be diseased and seemed to have designs for its removal.
9. The Council has made the Tree Preservation Order because there appears to be a threat to the tree during a state of ownership change of the address and an enquiry has been made to the Council regarding protection status. The loss of this tree or significant lopping to it would be harmful to the character and appearance of this tree and this part of the village, to which the tree makes a positive contribution to amenity and green infrastructure.

Consultation by South Cambridgeshire District Council as Local Planning Authority

10. Milton Parish Council supports the TPO.

Representations by Members of the Public

11. On 22 August SCDC received an objection to the TPO from Mr David Hammersley, a next door neighbour at 36 Fen Road which is shown at appendix 3.

Material Considerations

12. A clear threat to the tree had been established through enquiries to SCDC.
13. The tree has moderate to high visual amenity value, being highly visible from the public highway at a number of locations.
14. The tree is a striking, large multi-stemmed specimen in good health and condition and should continue to contribute to amenity for several decades to come.
15. The presence of the TPO does not prevent works being undertaken to the tree. Future owners may apply to SCDC for permission under the TPO to undertake work to the tree, which will be judged on their merits.

Recommendation

24. That the TPO be confirmed without modification.

Contact Officer: **Jane Green** – Head of New Communities

APPENDICES

- Appendix 1 Map Tree Preservation Order 02/14/SC
- Appendix 2 Objection of Hawksley (Executor to 34 Fen Road)
- Appendix 3 Objection of Hammersley (neighbour)
- Appendix 4 Statement of support Jones (neighbour)