

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 March 2016

AUTHOR/S: Planning and New Communities Director

TPO Number: 05/15/SC

Parish(es): Thriplow

Proposal: To consider objections lodged against the provisional Tree Preservation Order

Site address: Land at rear of 7 & 9 The Green, Thriplow

Owner(s): J Lindop, M Lindgren, Thriplow Farms

Recommendation: To confirm the Tree Preservation Order with modifications

Key material considerations: Amenity value

Committee Site Visit: 1 March 2016

Departure Application: N/A

Presenting Officer: Ian Lorman, Tree Officer

Application brought to Committee because: Objection raised against the making of provisional Tree Preservation Order

Date by which decision due: 20 May 2016

Executive Summary

1. On 14 October 2015 the Council received a notification from the occupier at no.9 The Green of the intention to carry out tree work in the Conservation Area of Thriplow as required by Section 211 of The Town and Country Planning Act 1990. The work proposed comprised among other things, the removal of four Sycamore trees (now the subject of this TPO). Thriplow Parish Council and SCDC Member Councillor Topping requested a TPO be made to prevent the removal of the four Sycamore trees on the grounds that *“the trees comprise part of the last copse in the village of Thriplow. They are healthy and should be preserved because they assist in maintaining the character of the copse. The copse is an amenity for the village contributing to its general character and the quality of life of its residents.”*
2. On 20 November 2015 a Tree Preservation Order (TPO) was served covering the four Sycamore trees. The trees are numbered T1 to T4 on the schedule to the TPO. Trees T1 and T3 are located in the rear garden to no.7 The Green, tree T2 to the rear garden to no.9 The Green and T4 just outside the rear boundary to no.7 within a paddock in adjoining land ownership.

3. TPOs are served on a provisional basis in the first instance to allow a period of 28 days in which third parties may make objections or representations for the consideration of the Council before the decision is made to confirm the order (make it permanent). This is either in its original form, in a modified form or to allow the TPO to lapse and become void, which occurs after the expiration of six months from the date of service if it is not confirmed (20 May 2016).

Representations

4. The occupier of 9 The Green lodged an objection to the TPO on 23 December 2015. The objection is supported by an expert's report of Hayden's Arboricultural Consultants dated 22 December 2015.
5. The objector's expert has made an assessment of the trees in the TPO using a recognised method called 'Tree Evaluation Method for Preservation Orders' (TEMPO) which attempts to evaluate tree's worthiness for a TPO having regard to amenity value and the relevant factors. This is principally their visibility from a public place and their wider value in the landscape. In doing so, the expert arrives at a nominal value set against a minimum value requirement to justify the making of a TPO (an expediency test).
6. The conclusion of the expert's opinion is that trees T1, T2 and T3 do not meet the minimum criteria to justify protection by a TPO and that tree T4 does meet the minimum criteria.

Planning Assessment

7. TPOs are made in order to protect amenity but 'amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.
8. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.
9. The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.
10. Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - a size and form;
 - b future potential as an amenity;
 - c rarity, cultural or historic value;
 - d contribution to, and relationship with, the landscape; and
 - e contribution to the character or appearance of a conservation area.
11. Further support for the Parish Council's request was forthcoming from Councillor Topping giving greater impetus for the making of the TPO.
12. As the site lies within a conservation area, there is a statutory duty to pay special

attention to the desirability of preserving or enhancing the character or appearance of that area. Nonetheless, upon requesting a TPO be made, Thriplow Parish Council was advised by the case officer that the case for the making of a TPO was weak because of the isolated rear garden location of the trees and their inherent limited visibility when viewed from a public place.

13. Cllr Topping's view that the trees should be preserved because they assist in maintaining the character of the copse and this is an amenity for the village is noted. However, the Trees Officer remains of the view that the contribution that the trees make to the amenity of the conservation area and of the village as a whole are not sufficient to justify a TPO.
14. The objection to the TPO via the expert's report has been made using a recognised evaluation method and has been carried out by an independent expert. The conclusions in the expert's report are clear and reasonable and officers have no reason to dispute the findings. As such, trees T1, T2 and T3 do not meet the minimum criteria to justify protection by a TPO but that tree T4 does meet the minimum criteria.

Recommendation

15. Officers recommend that the Committee confirm TPO 05/15/SC in a modified form omitting trees T1, T2 and T3 and only confirming T4.

Background Papers:

- Tree Preservation Order no. 05/15/SC
- DCLG Online Planning Guidance / Tree Preservation Orders

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