

CAMBRIDGE CITY COUNCIL

REPORT OF: Arboricultural Officer
TO: Planning Committee 2nd October 2013
WARDS: Petersfield

**OBJECTION TO CITY OF CAMBRIDGE
TREE PRESERVATION ORDER (TPO) NO. 09/2013**

1.0 INTRODUCTION

- 1.1 A TPO has been served to protect a Birch tree at 4 York Terrace.
- 1.2 As objections to the order have been received the decision whether or not to confirm the order is brought before Committee.
- 1.3 Members are to decide whether to confirm or not confirm the Tree Preservation Order.

2.0 RECOMMENDATION

- 2.1 The tree preservation order is confirmed without amendment.

3.0 BACKGROUND

- 3.1 A section 211 Notice was received from 2 York Terrace to 'remove secondary limb over boundary fence and smaller limb over fence. Reduce smaller lateral limbs by 1m over fence to provide clearance to the house and garden'. Officers concluded that there were no arboricultural nor overbearing practical reasons to carry out the works in the manner proposed and that the works would unbalance the tree and this would be detrimental to amenity. A TPO was therefore served

4.0 POWER TO MAKE A TPO

- 4.1 If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make trees, groups of trees or woodlands the subject of TPO.

- 4.1.1 Expedience

- If there is a risk of trees being cut down or pruned in ways which would have a significant impact on their contribution to

amenity it may be expedient to serve a Tree Preservation Order. In some cases the Local Planning Authority may believe trees to be at risk generally from development pressure and therefore consider it expedient to protect trees without known, immediate threat. Where trees are clearly in good arboricultural management it may not be considered appropriate or necessary to serve a TPO

4.1.2 Amenity

While amenity is not defined in the Town and Country Planning Act, government guidance suggests that trees suitable for TPO should be visible to the public, at the time of making the TPO or in future. Trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore. Consideration should also be given to environmental benefits and historic/commemorative significance.

4.1.3 Suitability

The impact of trees on their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, the presence of other trees in the vicinity and the significance of any detrimental impact trees may have on their immediate surroundings.

4.2 Suitability of this TPO

4.2.1 Expedience

As work, which in the opinion of officers would be detrimental to the tree's appearance, was proposed, a TPO was considered expedient.

4.2.2 Amenity

The tree is clearly seen from York Terrace, especially the side of the tree that overhangs number 2 which is the side proposed to be reduced back significantly.

4.2.3 Suitability

It is acknowledged that the tree is relatively close to the rear elevation of number 4 but it is a suitable species for the site and with considered and occasional remedial work can be retained with minimal nuisance.

5.0 CONSULTATIONS

- 5.1 A TPO must be served upon anyone who has an interest in land affected by the TPO.
- 5.2 Following such consultation an objection has been received to the TPO from 2 and 6 York Terrace.

6.0 CONSIDERATIONS

- 6.1 The objections are made on the following grounds:
 - 6.1.1 The tree is not visible from public spaces.
 - 6.1.2 There are other trees in surrounding gardens that make the area well 'treed'.
 - 6.1.3 The tree belongs to the neighbour who refuses to maintain it. The TPO will exacerbate this problem.
 - 6.1.4 Sewage and drain runs are 4m from the tree.
 - 6.1.5 The tree is taller than the house and branches are a potential health and safety hazard.
 - 6.1.6 Pollen covers the garden.
 - 6.1.7 Because the tree is taller than the house the late afternoon/evening sun is being blocked from the garden.
 - 6.1.8 Leaves in autumn need to be cleared on a daily basis and weekly from the guttering, cutting the tree back from the boundary would resolve this.
- 6.2 Officer's response to the objection.
 - 6.2.1 The tree is clearly visible from the south end of York Terrace
 - 6.2.2 It is acknowledged that there are other trees in other properties but this does not reduce the amenity contribution of the birch.
 - 6.2.3 The TPO will not stop reasonable and considered tree works from being completed. Following a site meeting with 2 York Terrace just such an application was made and approved by officers.
 - 6.2.4 Proximity alone, without evidence of damage is insufficient reason to remove trees and the proposed pruning would have no positive impact in this regard.
 - 6.2.5 Size alone, without defect, is no indication of hazard.
 - 6.2.6 Pollen and leaf drop are insufficient reasons to allow the removal of a tree and the proposed pruning would have no material, positive impact in this regard.
 - 6.2.7 The property has a relatively long garden and the tree only shades it in part.

7.0. OPTIONS

- 7.1 Members may
 - Confirm the Tree Preservation Order.
 - Decide not to confirm the Tree Preservation Order.

- Confirm the Tree Preservation Order with modification

8.0 RECOMMENDATION

8.1 Members are respectfully recommended to confirm City of Cambridge Tree Preservation Order 07/2013.

9.0 IMPLICATIONS

(a) Financial Implications	None
(b) Staffing Implications	None
(c) Equal Opportunities Implications	None
(d) Environmental Implications	None
(e) Community Safety	None

BACKGROUND PAPERS:

The following are the background papers that were used in the preparation of this report:

TWA 13/105/TTCA

City of Cambridge Tree Preservation Order 07/2013

To inspect these documents contact Joanna Davies on extension 8522

The author and contact officer for queries on the report is Joanna Davies on extension 8522

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Appendix 1 TPO Plan