

CAMBRIDGE CITY COUNCIL

REPORT OF: Arboricultural Officer
TO: Planning Committee 7th June 2017
WARDS: Kings Hedges

**OBJECTION TO CITY OF CAMBRIDGE
TREE PRESERVATION ORDER (TPO) NO. 01/2017**

1.0 INTRODUCTION

- 1.1 A Tree Preservation Order (TPO) has been served to protect trees at Lovell Lodge Hotel, 365 Milton Road, Cambridge CB4 1SR
- 1.2 An objection to the order has been received; the decision whether or not to confirm the order is brought before Committee.
- 1.3 Members are to decide whether to confirm, confirm the TPO subject to modification or not confirm the TPO.

2.0 RECOMMENDATION

- 2.1 The TPO is confirmed subject to the modification detailed in the report.

3.0 BACKGROUND

- 3.1 Tree Officers were notified of potential tree works being conducted via an enquiry that came through regarding the protected status of the trees on site. Following a site visit it was noted that there were three trees, two Cedar and Poplar that were worthy of consideration for TPO. T1, Cedar had suffered some storm damage in the February storms with a broken, hanging branch. It was also noted that the site was derelict following a fire with signs of renovation activity including a skip on site. It was then considered probable that a planning application to renovate the derelict hotel or redevelop the site was going to be submitted in the near future and given that the site is neither in a Conservation Area nor were the trees protected by a TPO, it was foreseeable that the trees could be removed pre-emptively before a planning application was submitted.

3.2 Subsequent to the objections a tree works application has also been received to fell trees.

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

Tree(s) are considered under threat from pre-emptive removal prior to the renovation of the hotel following a fire which occurred at some point last year (2016) and since storm damage was suffered during the February 2017 storms.

4.2.2 Amenity

All three trees provide a high degree of visual amenity being visible from the public highways of Lovell Road and Milton Road as well as from the private properties immediately adjacent to Lovell Lodge Hotel.

4.2.3 Suitability

The trees are considered suitable to their surroundings, despite being fairly close to both the existing hotel and also to neighbouring properties, they have existed on site for many years unprotected without any significant issues to these properties.

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 an Arboricultural Consultant working on behalf of the site owner.

6.0 CONSIDERATIONS

6.1 The objection is made on the following grounds:

6.1.1 There was a delay between the time the order was issued and when the order was received. As a result of this, T1 was removed without the knowledge it was subject to a newly created TPO. As the tree was not present at the time the order was served it should be removed from the order.

6.1.2 Cedar T2 is in close proximity to the building of Lovell Lodge Hotel and neighbouring property of Garden Lodge. The tree is currently causing damage to both the Hotel's parking area and the neighbouring driveway.

6.1.3 T2 is too close to adjacent properties, the tree has a substantial future growth potential and the species is known for long heavy limbs which can break out and cause damage to cars, property and potentially people.

6.1.4 T2 would require regular heavy pruning to keep it clear of structures, causing an unbalanced and top heavy wind sail.

6.1.5 T2's current location within predominantly hard standing is likely to be detrimental to the tree's health; this is illustrated by extensive deadwood within the crown.

6.1.6 T3, a Lombardy Poplar is within close proximity to both the hotel building and neighbouring properties. Poplars are known to snap out and fail as they mature. The form of the fork area of T3 is such that the included limbs could break-out and hit structures. Given the proximity to the neighbouring buildings this is an unacceptable risk.

6.1.7 In order to prevent stem failure, it would be feasible to substantially reduce the height of the tree to reduce the risk. This however would detract from the visual amenity of the tree and the purpose of the TPO.

6.1.8 The trees are not accurately plotted and the current plan indicated that the trees are further from structures that is actually the case.

6.2 Officer's response to the objection.

6.2.1 Whilst the cedar tree (T1) was present at the time of the Officer's site visit and at the point the order was issued (1st / 2nd March 2017), given the nature of the property, it is plausible that the owner of the tree and the contractors conducting the work were not aware of its inclusion within a TPO. This is considered to be a reasonable defence therefore officers would recommend removing T1 from the order and not pursuing the matter legally.

6.2.2 It was noted that on a subsequent site visit carried out on 26th March 2017 that T2 is within close proximity to the building of the hotel and overhangs the front garden of the neighbouring Garden Lodge. The block paving driveway of the hotel has been laid very close to the trees stem and lifting of the paving was noted close to the base of the tree. Due to the amount of debris elsewhere on the driveway it was not possible to confirm or deny any further damage to the paving albeit if there was some more damage, this could have arisen from the root action of T1 which has subsequently been removed along with other trees and vegetation not included within the Order. The damage observed did not appear excessive and could be easily remedied without removing the tree.

6.2.3 It is agreed the tree is not yet fully mature and has the potential to get to a significant size and stature. Whilst it is agreed that on occasion mature Cedars have the potential to lose limbs, officers would argue

that any tree has the potential to drop branches especially in storm conditions. Regular inspections conducted by a suitably qualified and competent tree expert should highlight any foreseeable weaknesses which can be proactively dealt with before failure occurs. Officers would also argue that the tree has stood in this position for at least 40 years without the need to be removed due to health and safety concerns.

6.2.4 At the time of inspection there were no apparent conflicts arising from the tree's size and proximity to the structure and it is felt that future pruning to maintain an acceptable clearance between the tree's canopy and the adjacent properties would be appropriate and infrequent. The lifting of the lower branches as the tree grows taller could be done in stages and if conducted by a suitably qualified and experienced tree contractor following current British Standards, this would not result in a top heavy / unbalanced crown.

6.2.5 It is agreed that the growing conditions are not optimal but it appears that the tree is coping with the challenging conditions well. Extensive deadwood was not observed during the site visit. Deadwood was noted but this was likely to be as a result of natural shading out of lower / interal branches and as a result of poor previous pruning where stubs had been left. In any case, this deadwood is currently stable and could be removed without the need for a tree works application to be submitted. The TPO would not stop the tree owner from improving the ground conditions by removing / altering the amount of impermeable surfacing so long as no damage was caused to the roots of the tree.

6.2.6 Indeed T3 is close to neighbouring properties and Poplar as a species do have a reputation of being structurally unstable at times however this tree is already considered mature and there were no signs of such historic branch failure present during the site visit. It the opinion of officers that the structural formation of the cited fork is not untypical of the species and the unions are not considered to be excessively included.

6.2.7 It is agreed that substantially reducing the height would detract from the visual amenity of the tree. Reviewing the evidence provided in the objection and following the second site visit officers do not agree that substantially reducing the height of the tree would be considered necessary and would add that the tree has stood in its current position for between 80 – 100 years without protection from a TPO and the tree owners have not seen the need to remove the tree as a result of unacceptable risk and no compelling reasons why this

situation has changed since a TPO has been placed on the tree has been provided. If specific and detailed information is provided showing the contrary then remedial work can be satisfactorily considered under a tree works application.

6.2.8 Any inaccuracy in the plan is not considered to be a material objection to the TPO itself. The purpose of the plan is to identify the trees on-site and is not required to be exact or to scale, it simply needs to be accurate enough to identify which trees are included and which trees are not included within an order with no doubt or ambiguity. Officers believe the plan currently serves this purpose and have not been asked to clarify which tree is which by the tree owner, objector nor any other interested parties. The plan can be amended if committee believe it is not a sufficiently accurate representation.

6.3 Conclusions to above

6.3.1 T1 was removed without the knowledge of its protected status therefore officers agree it is reasonable to remove it from the order.

6.3.2 The close proximity of T2 to neighbouring properties can be dealt with through routine maintenance work of crown lifting / reducing back from buildings as it grows to its ultimate size.

6.3.3 The damage currently being caused to the block paving by T2 is considered minor and can be repaired without the removal of the tree. An alternative surface choice could be considered to reduce the likelihood of future damage occurring.

6.3.4 The health and safety concerns over T3 have not been evidenced; the tree has stood in that position for many years without issue. If remedial works are considered necessary this can be dealt with under a tree works application with the appropriate level of evidence being supplied.

6.3.5 Having a TPO on these trees prevents their removal prior to a planning application being submitted ensuring they are given the appropriate consideration throughout the planning process.

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 01/2017 with the amendment of removing T1 from the Order and for clarity renumbering T2 and T3 to T1 and T2 respectively.

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 17/138/TTPO

City of Cambridge Tree Preservation Order 01/2017

Site photographs

To inspect these documents contact Robert Murison on extension 8531

The author and contact officer for queries on the report is Robert Murison on extension 8531

Date originated: 17/05/2017

Date of last revision: 17/05/2017