

CAMBRIDGE CITY COUNCIL

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REPORT OF: Arboricultural Officer  
TO: Planning Committee 28<sup>th</sup> March 2018  
WARDS: ECH

**OBJECTION TO CITY OF CAMBRIDGE  
TREE PRESERVATION ORDER (TPO) NO. 23/2017**

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**1.0 INTRODUCTION**

- 1.1 A TPO has been served to protect a Birch tree at 2 Capstan Close.
- 1.2 As 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 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 proposing the removal of a Birch in the front garden of 2 Capstan Close and a 1-1.5m reduction of Crab Apple also in the front garden. No reasons for the proposed work were given in the 211 Notice. Following a site visit officers concluded that the reduction of the Crab Apple would have no material impact on amenity and the character and appearance of the conservation area but that amenity and the character and appearance of the conservation area would be detrimentally impact by the removal of the Birch. As there were no arboricultural or overbearing practical reasons to remove the Birch a TPO was served to protect the tree.

**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 advises that authorities develop ways of assessing the amenity value of trees in a structured and consistent way. Cambridge City Council Citywide Tree Strategy 2016 – 2026 sets out the criteria for assessing amenity in Policy P2 and considers visual, wider impact, atmospheric, climate change, biodiversity, historic/cultural and botanical benefits when assessing the amenity value of trees.

#### 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

The TPO is considered to be expedient as the tree was proposed to be removed.

#### 4.2.2 Amenity

Visual. The tree is located to the front of the house and is clearly visible from Capstan Close.

Wider Impact. The tree contributes positively to the character and appearance of the conservation area.

#### 4.2.3 Suitability

The tree is not conflicting with the reasonable use of the property, is not implicated in any direct or indirect damage and

is not causing unreasonable shading or maintenance requirements.

## **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 Capstan Close.

## **6.0 CONSIDERATIONS**

- 6.1 The objection is made on the following grounds:
  - 6.1.1 The tree is a poor example of its species; it has been badly pruned in the past and interferes with a neighbouring tree.
  - 6.1.2 The owners of 1 and 2 Capstan Close are most affected by its removal and are the best judges of its amenity value.
  - 6.1.3 The trees blocks light from the adjacent street lamp to the house, leaving number 2 completely in the dark.
- 6.2 Officer's response to the objection.
  - 6.2.1 The poor quality of past pruning is acknowledged but the overall appearance of the tree is not materially compromised by the abnormal growth at the top. No evidence has been provided to suggest that structural integrity has been compromised by the past work. The tree's stem is covered in ivy and this has impacted on natural growth however the growth is not so compromised so as to impact materially on the tree's overall contribution to amenity. The neighbouring tree is of insufficient value to justify the removal of the more prominent Birch.
  - 6.2.2 The way amenity value is assessed by Cambridge City Council is defined in the Citywide Tree Strategy. Officers assess trees in accordance with this strategy.
  - 6.2.3 Removal of ivy from the tree's stem would aid light filtration to 2 Capstan Close, especially in winter when artificial light is most required and the Birch leaves have fallen. This work would also improve natural light to and therefore benefit the tree's canopy. It is however the opinion of officers that the street lamps are located to illuminate the road and pavement and are not intended to illuminate private properties. Officers also believe that the position of the tree does not hinder the owner from providing suitable illumination of their property.

6.3 In conclusion, officers believe that there are no overwhelming arboricultural or practical reasons to justify the removal of the Birch tree located in the front garden of 2 Capstan Close and that the loss of this tree will have a detrimental impact on amenity and the character and appearance of the conservation area. Because the tree's removal was proposed in a 211 Notice, the serving of TPO 23/2017 was expedient in the interests of amenity.

## **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 23/2017.

## **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 17/420/TTCA

City of Cambridge Tree Preservation Order 23/2017.

Written objection to TPO 23/2017

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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