

CAMBRIDGE CITY COUNCIL

REPORT OF: Arboricultural Officer
TO: Planning Committee 28th March 2018
WARDS: NEW

**OBJECTION TO CITY OF CAMBRIDGE
TREE PRESERVATION ORDER (TPO) NO. 24/2017**

1.0 INTRODUCTION

- 1.1 A TPO has been served to protect a tree at 21 Clarkson Road.
- 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 for various works to trees in the front and back garden of 21 Clarkson Road, which is located on the south corner of Clarkson and Wilberforce Roads. Works included pruning a row of Beech and Yew trees along the property's front boundary and a single Yew and single Beech in the back garden, along with the felling of five trees. Trees to be removed were a Lime, two Horse Chestnut trees, a Beech and a Cherry. There were no reasons for works given in the 211 Notice. Following a site visit officers concluded that the proposed pruning works were justified for sound practical and arboricultural reasons and that the felling of four of the five trees proposed to be removed was also justified because of poor vitality, structural defects and negative impact on immediate surroundings. However officers noted no arboricultural or overbearing practical reasons to fell the Beech located close to the south boundary of the property. A TPO was therefore served to protect one Beech 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 in the rear garden of a corner property and clearly visible from Wilberforce Road. Its visibility

has been greatly increased by the approved removal of four other trees.

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

Climate Change. Larger trees have a greater impact with regard to climate change adaptation.

4.2.3 Suitability

The tree is located close the rear boundary of 21 Clarkson Road and therefore in the vicinity of 3 Wilberforce Road. There is no indication of direct or indirect conflict between the tree and 3 Wilberforce Road at present. Lower branches are however getting close the building elevation and will be blocking light to north facing windows. Any issues relating to branches touching the building and lack of light can be mitigated with the removal of lower branches. Such works would have no material impact on the health or amenity value of the tree.

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 objections have been received to the TPO from 21 Clarkson Road and 3 Wilberforce Road.

6.0 CONSIDERATIONS

- 6.1 The objections are made on the following grounds:
 - 6.1.1 Concern that tree roots will effect the stability of 3 Wilberforce Road.
 - 6.1.2 The tree has the potential to significantly increase in size and given the size of the garden two beech trees is disproportionate.
 - 6.1.3 Because of its proximity to the more mature Beech it growth will be compromised.
 - 6.1.4 Roots have already needed to be cleared from drains.
 - 6.1.5 Build-up of leaves in gutters and flat roof drains.
 - 6.1.6 Lack of light to first floor window.
 - 6.1.7 Its removal was to allow replacement with 3 Cut-leaf Birch.
 - 6.1.8 Because removal of the other four trees was justified it is only the removal of Beech that would need consideration from the point of view of amenity.
- 6.2 Officer's response to the objection.

6.2.1 There is no evidence that the tree is causing damage to the structure of 3 Wilberforce Road. While the tree is sufficiently close that there is a possibility of indirect damage, but only if other causal factors including shrinkable clay soil and insufficient foundation depth are also present, the potential risk is insufficiently high at present to justify the tree's removal.

6.2.2 The tree does have capacity to increase in size but the rear garden is approximately 30m wide and 20m deep. While officers believed that 6 large trees in the property's back garden could be considered overbearing, the garden is of sufficient size to accommodate two large trees without compromising reasonable enjoyment of the space.

6.2.3 Officers believe that the two Beech trees in the garden are sufficiently far apart that the health and amenity value of either will not be compromised the retention of the subject Beech.

6.2.4 No evidence has been present to support the need to remove the Beech in relation to root ingress to drains. It is not clear that past drain maintenance was required because of the Beech. One of the four tree's, a Horse Chestnut, officers had no formal objection to felling of, was located immediately adjacent to the subject Beech.

6.2.5 In accordance with the Citywide Tree Strategy, the general maintenance of gutters and drains and the removal of leaf litter are not considered to be sufficient justification to allow the removal of a tree that would otherwise be suitable for TPO.

6.2.6 Management of the tree would greatly improve light to 3 Wilberforce Road without detriment to tree health or amenity value.

6.2.7 Proposed replacement planting is not considered to be sufficient justification to allow the removal of a tree that would otherwise be suitable for TPO. If the tree is protected by a TPO when and if its removal becomes justified, replacement planting can be conditioned. Replacement planting cannot be guaranteed without a TPO.

6.2.8 The proposed removal of trees in a conservation area is always assessed in relation to impact on amenity. It is by balancing the justification for tree works against the impact on amenity that determines the suitability of the proposal. The loss of the four other trees along the west and south boundaries has already had a detrimental impact on amenity but the justification for the works was considered by officers to outweigh the loss of amenity, especially with the retention of the subject Beech.

6.3 In conclusion, officers believe that there are no overwhelming arboricultural or practical reasons to justify the removal of the Beech tree located on the south boundary of 21 Clarkson Road and that the loss of this tree, in addition to the loss of the four trees recently

removed, 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 24/2017 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 24/2017.

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 17/430/TTCA

City of Cambridge Tree Preservation Order 24/2017.

Written objections to TPO 24/2017

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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