

CAMBRIDGE CITY COUNCIL

REPORT OF: Arboricultural Officer
TO: Planning Committee 6th June 2018
WARDS: WCH

**OBJECTION TO CITY OF CAMBRIDGE
TREE PRESERVATION ORDER (TPO) NO. 06/2018**

1.0 INTRODUCTION

- 1.1 A TPO has been served to protect a tree at 22 Garden Walk.
- 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 proposing the removal of all limbs (4 of 5) that overhang 25 Victoria Park and a further crown reduction of 20%, which would be equal to about 3 metres. The reasons given for the works were loss of light to the garden of number 25, autumn leaf clear-up, clear-up of seedlings, occasional damage from falling branches and general mess to the patio. Following a site visit, officers concluded that there was justification for some tree work but that the works proposed was excessive, contrary to best practice, that there were no arboricultural or overbearing practical reasons to allow the works in the manner proposed and that such work would have a material impact on the tree's health, appearance and the structural integrity of the remaining canopy. As the Council cannot refuse or permit works detailed in a s.211 Notice, 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 because there was insufficient justification for the tree work in the manner proposed and that the works would have a detrimental impact on amenity and the long-term health of the trees.

4.2.2 Amenity

Visual. The trees are located along the drive to Kings College School and are clearly visible from West Road.

Wider Impact. The trees contribute 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 trees are not conflicting with the reasonable use of the property, are not implicated in any direct or indirect damage and are not causing unreasonable shading or maintenance requirements.

5.0 CONSULTATIONS

- 5.1 A TPO must be served on anyone who has an interest in land affected by the TPO.
- 5.2 Following such consultation objections have been received to the TPO from residents in Victoria Park, including the applicant who is not the tree owner.

6.0 CONSIDERATIONS

- 6.1 The objections are comprehensive and available in full from the case officer. They are made on the following grounds:
 - 6.1.1 The TPO was made on the basis that the tree is a public amenity but this argument ignores the opinions and feelings of the people who have to live under its shadow every day.
 - 6.1.2 The tree's visual amenity is limited.
 - 6.1.3 The Council policy to encourage the growth of large trees is flawed and policies should be made to encourage people to manage their trees to the betterment of their neighbours.
 - 6.1.4 The only objection to the works proposed was from the owner of the tree, who does not reside there. There were however three letter of support for the works.
 - 6.1.5 The owners claim to cherish the tree but as they have never given it care or attention, this is questionable.
 - 6.1.6 The tree is not rare, endangered or a protected species and it is too large for the location. It is a weed species and self-set.
 - 6.1.7 The overhanging branches are a treat to the outbuildings in 23, 25 and 27 Victoria Park and number 25's outbuilding has already been damaged.
 - 6.1.8 The tree has created an inconvenience to Victoria Park residents and a reduction in their quality of life for the following reasons. From 3.45pm in the summer only 50% of the garden of number 25 gets sun, the garden of 27 is in deep shade from 1pm, clear-up of leaves and seedlings, sticky mess and pigeon excrement is a massive operation.

6.1.9 There are other examples of s.211 Notices for works or removals in the area and the Council did not object to these.

6.1.10 Confirming the TPO would create an unfortunate precedent and risk alienating the public from the legitimate objective of protecting trees with genuinely high amenity value.

6.2 Officer's response to the objection.

6.2.1 When officers consider the suitability of TPO, the balance between amenity value and nuisance is considered. The TPO was not served to prevent any tree work that would be beneficial to adjacent properties but was served to prevent the works in the manner proposed because the Council cannot grant or refuse consent for tree works detailed in a s.211 Notice. If the Council objects to works detailed in a s.211 Notice, the Council can only serve a TPO to prevent described works from taking place.

6.2.2 The tree can be viewed from points in Garden Walk, Victoria Road and Victoria Park and therefore contributes to the verdant character of the area sufficiently to warrant protection.

6.2.3 With reference to the Town and Country Planning Act, this objection is not relevant to the tree's suitability for a TPO.

6.2.4 As above.

6.2.5 As above.

6.2.6 While the Council can use TPOs to protect rare or endangered trees, this is not the reason for the TPO on the subject sycamore. The TPO was served to preserve the contribution the tree makes to the character and appearance of the conservation area and only because officers have concerns about the works in the manner they are proposed.

6.2.7 There is no objection from officers to prune the tree to ensure a suitable clearance to adjacent structures and remove any decayed or damaged limbs.

6.2.8 Officers agree that the tree has a negative impact on surrounding properties in Victoria Park sufficient to justify tree work and an alternative description of works was suggested at a site meeting. This work included crown lifting to create a reasonable clearance to adjacent structures and allow more afternoon light in under the tree canopy, crown thinning to reduce leaf volume and allow more through the canopy and a lateral reduction to reduce the extent the tree overhangs adjacent properties.

6.2.9 When assessing the suitability of tree works, officers can only assess the subject trees and their surroundings. The process involves balancing the justification for work against the impact work will have on amenity and this is the same for all applications. Some applications officers agree are justified while others might not be.

6.2.3 Overall, the public benefits associated with preserving trees is shown to outweigh the negative impacts associated with alienating individuals effected by them but in this case the TPO was not served to stop any works to the tree just the work as it was proposed.

6.3 In conclusion, officers believe that there are no overwhelming arboricultural or practical reasons to justify the removal of 4 of the 5 main structural limbs of the tree and a further reduction in length of the remaining stem and that the works will have a detrimental impact on the tree's health and appearance and therefore the character and appearance of the conservation area. Because the tree works were proposed in a s.211 Notice, it was necessary to the serve TPO 06/2018 as the Council cannot refuse or grant permission for works detailed in a s.211 Notice. The confirmation of the TPO will not stop works that are justified to reduce negative impacts the tree has on neighbouring properties but will require the submission of a tree work application detailing works that conform to best practice.

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 06/2018.

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 18/019/TTCA

City of Cambridge Tree Preservation Order 06/2018.

Written objections to TPO 06/2018

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 - Example of view possible from a number of locations.

