

CAMBRIDGE CITY COUNCIL

REPORT OF: Arboricultural Officer
TO: Planning Committee 3rd October 2018
WARDS: NEW

**OBJECTION TO CITY OF CAMBRIDGE
TREE PRESERVATION ORDER (TPO) NO. 21/2018**

1.0 INTRODUCTION

- 1.1 A TPO has been served to protect trees at 5A and 7 Herschel 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 proposing the following.
 - T1: Horse Chestnut - remove stem (size 8m) and all overhanging branches over property.
 - T2: Oak - cut back stem by 6m which overhangs the property.
 - T3: Lime - reduce height by 10m and rebalance crown.Following a site visit, officers concluded that the work, in the manner proposed, was excessive and contrary to best practice, that there were no arboricultural or overbearing practical reasons to allow the works and that such work would have a material impact on the tree health and appearance. As the Council cannot refuse or permit works detailed in a s.211 Notice, a TPO was served to protect the 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 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 boundary between 5A and 7 Herschel Road and are a significant feature of the 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

With less severe works the tree could be retained without conflicting with the reasonable use of the property, without causing direct damage to property or 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 and objection was received to the TPO from residents 5A Herschel.

6.0 CONSIDERATIONS

- 6.1 The objection to the TPO is made on the grounds that the Oak, in the garden of 7 Herschel Road, overhangs both the garden and house of 5A Herschel Road, and swings close to its roof and that even a cursory inspection shows that its removal would not detract from the appearance or symmetry of the tree. The limb is a genuine hazard.
- 6.2 Officer's response to the objection.
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 is required to address a Hazard. However the length of the limb and the fact that its overhangs an adjacent property is not sufficient to constitute a hazard without there being a defect. No evidence has been presented to support the claim that the limb is a hazard. The extent of reduction in contrary to best practice and will effect the trees' appearance and symmetry.
- 6.3 In conclusion, the applicant has not provided the arboricultural or practical reasons to justify the reductions proposed and the works will have a detrimental impact on the tree health and appearance. Because the tree works were proposed in a s.211 Notice, it was necessary to the serve TPO 21/2018 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 trees have on their surroundings 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 recommended to confirm City of Cambridge Tree Preservation Order 21/2018.

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 18/203/TTCA

City of Cambridge Tree Preservation Order 21/2018.

Emailed objection to TPO 21/2018

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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