

CAMBRIDGE CITY COUNCIL

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REPORT OF: Arboricultural Officer  
TO: Planning Committee 24<sup>th</sup> April 2019  
WARDS: TRU

**OBJECTION TO CITY OF CAMBRIDGE  
TREE PRESERVATION ORDER (TPO) NO. 36/2018**

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**1.0 INTRODUCTION**

- 1.1 A TPO has been served to protect a tree in the rear garden of 5 Barrow Road, Cambridge.
- 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 crown lifting works to a Pine and the felling of a Yew and a Western Red Cedar in the rear garden of 5 Barrow Road. The works were proposed to allow a Magnolia and other species to form a healthy shape, to allow more light into the garden and allow the addition of smaller deciduous plants. Following a site visit officers concluded that there was justification for the crown lift to the Pine to allow more light under the tree's canopy and that the loss of the Yew would have no material impact on amenity. However the Western Red Cedar is visible from Barrow Road and Trumpington Road, especially in the winter, and makes a positive contribution to amenity and the character of the conservation area. Because the reasons given for the tree's removal were not considered sufficient to outweigh its value, a TPO was served to protect the Western Red Cedar.

## **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 its removal, which would have a detrimental impact on amenity.

### 4.2.2 Amenity

Visual. The Western Red cedar is visible from barrow Road and, especially in the winter, Trumpington Road.

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

Climate Change. Larger trees and evergreen 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 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 3 Barrow Road.

## 6.0 CONSIDERATIONS

6.1 The objection is made on the following grounds:

Objection	Officer Response
The tree is very large and abutting the fence between 3 and 5 Barrow Road	The gardens of Barrow Road are generous and the tree is considered to be an appropriate size for the location.
The overhanging branches are a nuisance as they hinder light to plants in number 3 and impede their growth. The tree takes water from plants and the lawn.	It is appreciated that the impact of the tree on its immediate surroundings could be an inconvenience but this is insufficient justification to allow its removal.
There are lots of trees and bushes in the garden and in surrounding gardens and when the tree is removed the intention is to plant more bushes.	There is a lack of large trees in Cambridge and of evergreens. Replacement with more bushes would not mitigate the loss of a large evergreen tree.
As Mr Lane is a member of public and does not consider the tree to be an amenity there is no reason why the Council should prevent the tree from being cut down.	The Council has a Tree Strategy that defines amenity and it is with regard to this that officers are required to consider amenity. The tree's amenity value is considered to be sufficient to justify a TPO.

## **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 The officer recommends that Members confirm City of Cambridge Tree Preservation Order 36/2018.

## **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:

City of Cambridge Tree Preservation Order 36/2018

Objection to TPO 36/2018

TWA 18/467/TTCA

To inspect these documents contact Joanna Davies on extension 8522

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Appendix 1 TPO Pan

