

CAMBRIDGE CITY COUNCIL

REPORT OF: Arboricultural Officer
TO: Planning Committee 4th March 2020
WARDS: ARB

**OBJECTION TO CITY OF CAMBRIDGE
TREE PRESERVATION ORDER (TPO) NO. 40/2019**

1.0 INTRODUCTION

- 1.1 A TPO has been served to protect a tree in Arbury Road.
- 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 The Council received two planning applications (19/0948/FUL and 19/1601/FUL) to building a new dwelling in the rear garden of 291 Arbury Road within the root protection area and canopy spread of a mature Beech tree. While the applications did not propose the felling of the Beech, officers decided that, in addition to the potential damage caused to the tree's roots, the new dwelling would likely lead to the removal of the tree once the dwelling was constructed. The combination of a new two-storey dwelling, situated on the south boundary with no south facing windows, and the tree, blocking light from the northwest, would result in excessive shading of the limited outside space and the tree would block light to windows on the northwest facing frontage. Once the dwelling was constructed therefore and inhabited, it would be reasonable to desire the removal of the tree. Officers believed that negative comments regarding the tree could lead to the tree's removal so a provision TPO was served. An objection was received to the provisional TPO from the property owner.

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 a perceived threat from development.

4.2.2 Amenity

Visual. The tree is located in the rear garden of 291 Arbury Road, which is a corner property. The tree is therefore a prominent feature of St Albans Road.

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

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

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 objections have been received to the TPO from 291 Arbury Road.

6.0 CONSIDERATIONS

- 6.1 The objections are made on the following grounds:
 - 6.1.1 There is no intention to remove the tree and it has been looked after well by the owner.
 - 6.1.2 The area where the tree grows will be improved by increased greening as part of the planning application.
 - 6.1.3 Alterations to the dwelling layout will ensure no damage to the tree.
- 6.2 Officer's response to the objection.
 - 6.2.1 While the intention may be to retain the tree, if planning permission were refused for the dwelling, which is the tree officer's recommendation, the removal of tree would become a realistic solution.
 - 6.2.2 It is a mature, healthy tree that is thriving in the existing environment. Greening of the space the tree grows in will not improve tree health now or in the longer term.
 - 6.2.3 The entire space proposed for the new dwelling is within the root protection area of the tree. The site is modest in size and the amended proposal does not address the nuisance issues that would be created once the new dwelling were built.
- 6.3 In conclusion, officers believe that the tree contributes sufficiently to amenity to be worthy of a TPO and that their recommendation to refuse planning permission for the new dwelling within the root

protection area and canopy spread of the tree, in accordance with Policy 71 of the local plan, would result in the tree's removal.

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 40/2020.

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:

19/0948/FUL and 19/1601/FUL, City of Cambridge Tree Preservation Order 40/2019.

Written objections to TPO 40/2019

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

Date originated: 16/02/2020

Date of last revision: 19/02/2020

Appendix 1 Photo of Beech from St Albans Road



Proposed Dwelling. Current canopy spread of Beech extends over existing garage, dotted red.

