

CAMBRIDGE CITY COUNCIL

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

**OBJECTION TO CITY OF CAMBRIDGE
TREE PRESERVATION ORDER (TPO) NO. 37/2019**

1.0 INTRODUCTION

- 1.1 A TPO has been served to protect trees at the new Aldi Store in Newmarket 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 In response to local resident concerns regarding the impact redevelopment of land at Newmarket Road/Cheddars Lane could have on existing trees officers determined that a TPO was appropriate to protect trees from development opportunities. The TPO was served and an objection was received from Titan Securities Limited, who own the freehold for 393 and 395 Newmarket Road.

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. This threat became real when a London Plane was removed from the Newmarket Road frontage. This is currently being investigated.

4.2.2 Amenity

Visual. Trees within the TPO Area are highly visible from various viewpoints.

Wider Impact. The trees contribute positively to the character and appearance of the area and help filter pollutants.

Climate Change. Preserving canopy cover will help mitigate the impacts of climate change.

4.2.3 Suitability

The trees are not conflicting with the reasonable use of the land, 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 291 Arbury Road.

6.0 CONSIDERATIONS

- 6.1 The objections are made on the following grounds:
 - 6.1.1 The trees on Titan's property have been recently planted, hence are immature, of limited circumference, and are common species; they have no historic or rarity value.
 - 6.1.2 The property is a commercial retail warehouse. The trees planted in the car parking area have been an impediment to lorries delivering goods and also to cars parking in the car park, both of which occasionally have bumped the trees. This area is not a parkland amenity site but an area busy with traffic with customers coming and going. Some of the trees have been damaged by lorries turning in the car park area.
 - 6.1.3 We understand from Aldi, the incoming tenant, that one tree, at the entrance, has been scheduled for removal, due to its impeding ingress and egress from the site. Again, this is a commercial area, and inability to change the ingress and egress arrangements would have an effect on the sight distance to traffic on Newmarket Road. Viscidity is essential for safety of customers and lorries.
 - 6.1.4 The trees in the parking area are deciduous trees whose leaves regularly block up the car parking drainage causing water to pool. This greatly increases the probability of damage to customers due to slippage on the algae and leaves built up that are under water. Removal of some of the car parking area trees would be best for public safety and health.
- 6.2 Officer's response to the objection.
 - 6.2.1 TPOs are served to protect all types of tree in accordance with the Town and Country Planning Act, government guidance and Cambridge City Council policy. The fact that they are common and have no rarity or historic value is irrelevant to their suitability for TPO.
 - 6.2.2 The fact that the area is retail with many vehicular movements increases the need for trees to filter out pollutants.
 - 6.2.3 The removal of the tree at the front of the site, was objected to by tree officers, who are currently investigating to make sure the appropriate permission was sought. If reasonable access and egress requires the removal of individual trees this would be allowed following

a tree work application. With the TPO in force suitable replacement planting can be conditioned and officers will have the opportunity to balance the need for tree works/removals against loss of amenity and ensure that only justified works are actuated.

6.2.4 Removing trees to mitigate the potential for trips and slips is extreme and short-sighted and if accepted the principal would have a devastating impact on the city's canopy cover, which would be contrary to council policy. Officers do not agree that it is appropriate to remove trees to achieve the store's health and safety responsibilities to its users.

6.3 In conclusion, officers believe that the trees contribute sufficiently to amenity to be worthy of a TPO and that without same, trees would be pruned or removed to the detriment of the public and in contradiction to council policy.

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:
City of Cambridge Tree Preservation Order 37/2019.

Written objection to TPO 37/2019

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

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Appendix 1 Ariel Photo of Site



Appendix 2 TPO Plan

