



30th September 2021

Report to:

Cambridge City Council
Planning Committee

Joint Director of Planning and Economic Development

Lead Officer:

Joanna Davies

Confirmation of Provisional TPO 0026 (2021)

Location: 255 Ditton Fields

Key material considerations: Does the tree offer significant contribution to amenity and/or the character of a conservation area and if yes is there sufficient justification to allow detriment to this amenity.

Provisional TPO expiry date: 25.12.2021

Confirmation of TPO brought before Committee because: Objections to the Provisional TPO have been received.

Presenting Officer: Joanna Davies

Executive Summary

1. A TPO has been served to protect a Walnut Tree at 255 Ditton Fields.
2. As objections to the order have been received the decision whether to confirm the order is brought before Committee.
3. Officer recommendation is to confirm the Tree Preservation Order.

Relevant planning history

4. A new TPO was requested by a resident following concerns that proposed works by a neighbouring property would be detrimental to the tree in the rear garden 33 Wadloes Road. Following officer assessment, it was considered expedient to make provision for the protection of two Walnut trees. One in 255 Ditton Fields and one in 33 Wadloes Road.

Legislation and Policy

5. 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 a TPO

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.

Amenity - While amenity is not defined in the Town and Country Planning Act, government guidance advises 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.

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.

Consultation

6. A TPO must be served on anyone who has an interest in land affected by the TPO. This includes neighbours, who may have a common law right to prune overhanging branches back to the boundary.

Representations from members of the public

7. Representations have been received from 255 and 253 Ditton Fields.
8. The representations can be summarised as follows:

- The tree is 9m from the house and could therefore pose a risk to the property.
- It has a drain on water restricting growth on anything but moss.
- It blocks light and is never managed.

The Tree

9. The Walnut at 255 Ditton Fields is a healthy mature specimen located in the back garden, close to the rear boundary.

Officer Assessment

Expedience

10. Concern was raised that two Walnuts may be heavily pruned by a neighbour leading to their decline or detrimental impact to their appearance.

Amenity

11. The tree's public visual amenity contribution is significant being seen over the roofs of houses and through gaps between houses. It also contributes significantly to the general greening of the area, and its enjoyment by the public, biodiversity, climate change mitigation and pollution mitigation.

Suitability to site

12. No evidence has been presented to suggest that the tree is at risk of part or whole failure or that its retention is causing damage to adjacent properties.

Response to objections

13. The potential for trees to cause indirect damage to properties is not disputed. However, there are many instances of this risk anywhere buildings are located close to trees and the removal of trees to remove this potential risk would devastate the city's tree population. Should the tree be implicated in future damage to adjacent properties necessary works would not be prohibited by the TPO.
14. Trees do require a large amount of water and often can have a detrimental impact on other vegetation. However, this would not be considered a sufficient reason not to protect a valuable tree from unjustified and harmful tree works.
15. The TPO is not intended to stop tree works that are proposed for sound arboricultural or practical reasons and considered remedial work would improve light to surrounding properties without harm to the tree's health or amenity value.

Recommendation

16. The Council can deal with this application in one of three ways:

- (1) Authorise the confirmation of the TPO.
- (2) Authorise the confirmation of the TPO with amendments.
- (3) Authorise the TPO not to be confirmed.

17. Officers recommend that Members authorise the confirmation of the TPO

Background Papers

NA

Appendices

Appendix A: TPO Plan

Appendix B: Photograph

Report Author:

Joanna Davies – Tree Officer

Telephone: (01223) 458522