



Planning Committee Date	8 th January 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	TPO/28/2024
Site	1 Nightingale Avenue
Ward / Parish	QUE
Proposal	Confirmation of provisional TPO
Presenting Officer	Joanna Davies
Reason Reported to Committee	Objection received to provisional TPO
Recommendation	APPROVE the confirmation of TPO/28/2024

1.0 Executive Summary

- 1.1 In the interests of amenity a Tree Preservation Order (TPO) was served to protect a beech tree in the front garden of 1 Nightingale Avenue.
- 1.2 An objection to the TPO has been received.
- 1.3 Officers recommend that the Planning Committee approve the confirmation of TPO/28/2024.

2.0 Site Description and Context

- 2.1 1 Nightingale Avenue is a detached property located towards the north end of the road. The property has a large front garden with parking for a number of cars. The subject beech tree is located close to the front boundary, in a green strip that runs down the side of the house and connects to the back garden.
- 2.2 The tree occupies a prominent location and therefore makes a significant contribution to local amenity, with views to it possible from a few locations.
- 2.3 The tree's removal or significant works to it would have a detrimental impact on amenity and be contrary to the Citywide Tree Strategy.

3.0 Legislation and Policy

- 3.1 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 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.

4.0 Consultations

- 4.1 As soon as practicable after making an order, 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 and agents who have sought permission for tree works.
- 4.2 TPO/28/2024 was served on the owner/occupier and their neighbours at number 3 Nightingale Avenue.

5.0 Third Party Representations

- 5.1 An objection has been received from the owner.
- 5.2 The objection raises the following issues:
- During bad weather several large branches have broken off causing safety concerns
 - The tree is not yet mature and could cause subsidence.
 - Birds in the tree defecate on the car.
 - Branches grow close to the windows and it is expensive to have the tree trimmed.
 - Have to employ a gardener to clear up leaves in autumn.
- 5.3 No comments were submitted in support of the TPO.

6.0 Member Representations

- 6.1 No comments regarding the provisional TPO or its confirmation have been received from Councillors.

7.0 Assessment

- 7.1 Expedience. It is clear from the objection to the TPO that the current owners of 1 Nightingale Avenue would like to remove the tree. If the TPO is not confirmed there will be a high risk of tree being removed.
- 7.2 Amenity. The beech is a prominent feature of the street and contributes significantly to visual and environmental amenity. Its loss would have a significant and detrimental impact.
- 7.3 Suitability. The tree is located in a space that is adequate for its size. Located close to the front boundary, there is sufficient space for canopy spread before impacting significantly on the house. While some periodic pruning is expected to be required to maintain a reasonable clearance to the house and over the

garden and street the work would not be extreme or considered onerous and would not have a material impact of the tree's appearance. In October of this year permission was granted for a lateral reduction to create a suitable clearance to the house and a crown lift to allow access beneath the tree and improve light to lower windows. (24/0888/TTPO)

7.4 **Response to Objections**

7.5 Objections are summarised and responded to in the table below:

Objection	Officer Response
During bad weather several large branches have broken off causing safety concerns	Works required to mitigate a clear and accepted health and safety risk would be allowed if the TPO were confirmed. Furthermore, some works of this nature are permitted without the need to apply for permission. Dead wood may be removed at any time without consultation with the council. There is no evidence of a health and safety risk at present.
The tree is not yet mature and could cause subsidence.	The potential risk that subsidence might occur is insufficient justification not to protect a tree with a high amenity value.
Birds in the tree defecate on the car. Have to employ a gardener to clear up leaves in autumn.	Leaf litter, fruit/nut fall, bird droppings and shade are considered to be acceptable inconveniences and insufficient justification not to protect a tree with a high amenity value.
Branches grow close to the windows and it is expensive to have the tree trimmed.	Relatively minor works will be reasonable periodically to maintain an acceptable relationship between the tree at its surroundings. Financial implications of managing a tree are not a material consideration.

8.0 **Recommendation**

8.1 As any perceived inconvenience associated with the tree's retention is considered by officers to be outweighed by the tree's significant amenity value, the recommendation is to **Approve** the confirmation of TPO/28/2024.

The following list contains links to the documents on the Council's website.

TPO/28/2024

24/0888/TPO

Please contact Joanna Davies for copies if required.

Appendix 1 TPO Plan

Appendix 2 Photo