

CAMBRIDGE CITY COUNCIL

REPORT OF: Arboricultural Officer
TO: Planning Committee 1st July
WARDS: CAS

**OBJECTION TO TREE WORK APPLICATION
20/1276/TTPO**

1.0 INTRODUCTION

- 1.1 The Council has received a tree works application (TWA) requesting permission for:
TG1: Limes - Remove T5 to T7 to near ground level.
TG2: Limes - Re-pollard at past points and retain on triennial re-pollard cycle.
- 1.2 The works are proposed at 2 Howes Place and trees are protected by TPO 10/1991. There is also an application to remove 5 Limes and re-pollard 5 Limes under a separate application, also brought before Committee.
- 1.3 Officers are minded to grant consent for the work but as objections to the application have been received, the decision whether or not to grant consent is brought before Committee.
- 1.4 The Council can deal with this application in one of three ways:
(1) Refuse permission for the proposed works,
(2) Grant consent for the proposed works
(3) Grant consent for the proposed works subject to replacement planting.

2.0 RECOMMENDATION

- 2.1 Permission is granted for felling and pruning as proposed, subject to replacement planting.

3.0 BACKGROUND

- 3.1 Howes Place is located in the northwest of the city, off Huntingdon Road. The private road, next to NIAB, has lines of pleached Limes bordering the road and demarking the individual property's front gardens so creating a double avenue. It is some of these trees that

are the subject of this TWA and TWA 20/1065/TTPO requesting the loss of five trees. TWA 20/1065/TTPO is considered under a different item.

- 3.2 TWA 20/1276/TTPO, was received proposing the removal of three of the pleached Limes from the outer row (closest to the house) and triennial pollarding of three of the inner row (closest to the road). The reasons presented with the application are damage attributed to subsidence at 2 Howes Place.

4.0 CONSULTATIONS

- 4.1 Ward Councillors and near residents of 2 Howes Place were consulted on the application and a Site Notice was issued for display.
- 4.2 Following such consultations objections to the removal of three trees have been received from neighbours within Howes Place.

5.0 CONSIDERATIONS

- 5.1 Is the TPO still appropriate.

Amenity

Does the tree(s) still make a significant contribution to the character and appearance of the area.

Condition/Nuisance

Is the tree(s) in sufficiently poor condition to make its removal exempt from the TPO or is the tree causing unreasonable nuisance.

Justification for Remedial works

Are there sound practical or arboricultural reasons to carry out tree works.

- What is the justification.
- Is there a financial consideration.
- Is there a health and safety consideration.
- Does the nuisance out way the benefit of retention.

- 5.2 The Arboricultural Officer's assessment of the trees.

Amenity

The trees, and the way they are managed, are a prominent feature of Howes Place and contribute significantly to its formal character. This character can be viewed from Howes Place and the junction with Huntingdon Road but the wider contribution the trees offer to amenity is limited.

Condition/Nuisance

The trees are in generally good condition and there are no aboricultural reasons that would justify removal. However, the trees have been highlighted as a main contributor to subsidence damage at 2 Howes Place. Technical information including soil samples, root analysis and level monitoring have been carried out and these support the claim that damage is cause by tree related desiccation of a clay soil at a depth to influence foundations.

Justification for Removal

- What is the justification.
Tree related subsidence to 2 Howes Place.
- Is there a financial consideration.
Yes. The Council could be liable for costs associated with underpinning.
- Is there a health and safety consideration.
No.
- Does the risk/nuisance outweigh the benefit of retention.
Officers believe that the nuisance outweighs the public benefits of retention. It is however noted that the works will have a detrimental impact on the value of the double avenue as viewed from within Howes Place.

6.0 Objections with Officer Comments:

6.1 The Lime trees have been a vital part of the unique streetscape of Howes Place for 100 years and the loss of individuals would cause serious environmental damage.

6.1.1. It is agreed that the losses proposed will have a detrimental impact on the appearance of the avenue as viewed from within Howes Place. The losses will however have limited impact on wider public amenity.

6.2 The Limes were planted when Howes Place was laid out circa 1919-1920 (including both houses in question). How plausible is it that only now are they causing structural problems with the houses' foundations.

6.2.1. Tree related subsidence is a result of a number of causal factors which makes predicting a single occurrence or the severity of that occurrence very difficult. It is accepted however that changes in climate with longer periods of drought followed by, on average, dryer winters is resulting in more frequent occurrences of persistence soil moisture deficit leading to progressive subsidence damage as opposed to seasonal desiccation and recovery.

6.3 Proposed removal and replacement with a different species would seriously damage the streetscape and where is the evidence that different species would not cause the same problems.

- 6.3.1 Officers do not believe that proposed replacement trees would be planted within the avenue. The replacement trees would not be planted to mitigate the loss of visual amenity of the avenue but to mitigate the loss the canopy cover more generally. Different tree species have different demands for water. Changing the tree species for one that has a low demand for water will reduce the potential for damage to re-occur.
- 6.4 What is the point of a TPO if it can be overruled by building owners and their insurance companies.
- 6.4.1 A TPO is not served to prohibit all arboricultural activity. It is served to allow the local planning authority to assess the impact of proposed works and the justification for it and to determine whether or not works are appropriate based on the balance between the impact on public amenity and nuisance/risk associated with refusal.
- 6.5 If the limes are to be properly protected for the long-term, then a precedent should be made that the onus is on house owners to either accept some degree of movement and cracking, have their buildings underpinned or pay for the installation of a root barrier.
- 6.5.1 If the Council ignored the financial impact of refusing permission for tree works/removals it could be found liable for the associated costs. The Town and Country Planning Act no longer makes provision for Councils to be exempt from financial claims of this nature. Granting permission for the removal of trees under the limitations of the legislation does not imply an agreement that the work is necessary or the only option. Property owners may choose to retain their trees.
- 6.6 Approving this application will establish a precedent that protected trees can be removed with little justification.
- 6.6.1 A precedent is already established in so far as The Town and Country Planning Act and the associated 2012 Regulations set out exceptions to the protection provided by the TPO and these include nuisance, which subsidence is considered to be.
- 6.7 Other houses in Howes Place, located two or three times further away from the trees, have also experienced subsidence issues due to the clay soil conditions, not the trees.
- 6.7.1 Officers have assessed the evidence presented with the application and are satisfied that a major contributor to the damage cited is clay shrinkage caused by moisture uptake from the nearby

Limes. We are not able to comment on other occurrences without supporting technical analysis.

6.8 Now is clearly the time to be encouraging the planting and growing of trees not cutting them down. If we are to tackle climate change we need to learn to live with trees not destroy them.

6.8.1 Agreed. However, retaining all trees regardless of consequences is not realistic and trees do need to be removed on occasion. Replacement planting will mitigate the loss of canopy cover.

6.9 In conclusion it is agreed that the proposed removals will have a detrimental impact on the appearance of the avenue. However, the wider impact will be limited and does not outweigh the nuisance associated with enforced retention or the potential financial risk to the Council. Granting permission for the removals does not imply necessity and property owners may wish to retain trees and seek alternative solutions. With consideration of The Town and Country Planning Act and government guidance, therefore, officers believe that the Council would not be justified in refusing permission for the trees to be felled.

7.0. OPTIONS

7.1 Members may

- (1) Refuse permission to remove the tree.
- (2) Grant consent for the tree's removal or,
- (3) Grant consent for the works proposed subject to replacement planting.

8.0 RECOMMENDATION

8.1 Members are recommended to grant consent for the works proposed subject to replacement planting.

9.0 IMPLICATIONS

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|--------------------------------------|------|
| (a) Financial Implications | Yes |
| (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:

TWA 20/1276/TTPO with technical reports

Written objections to TWA 20/1276/TTPO

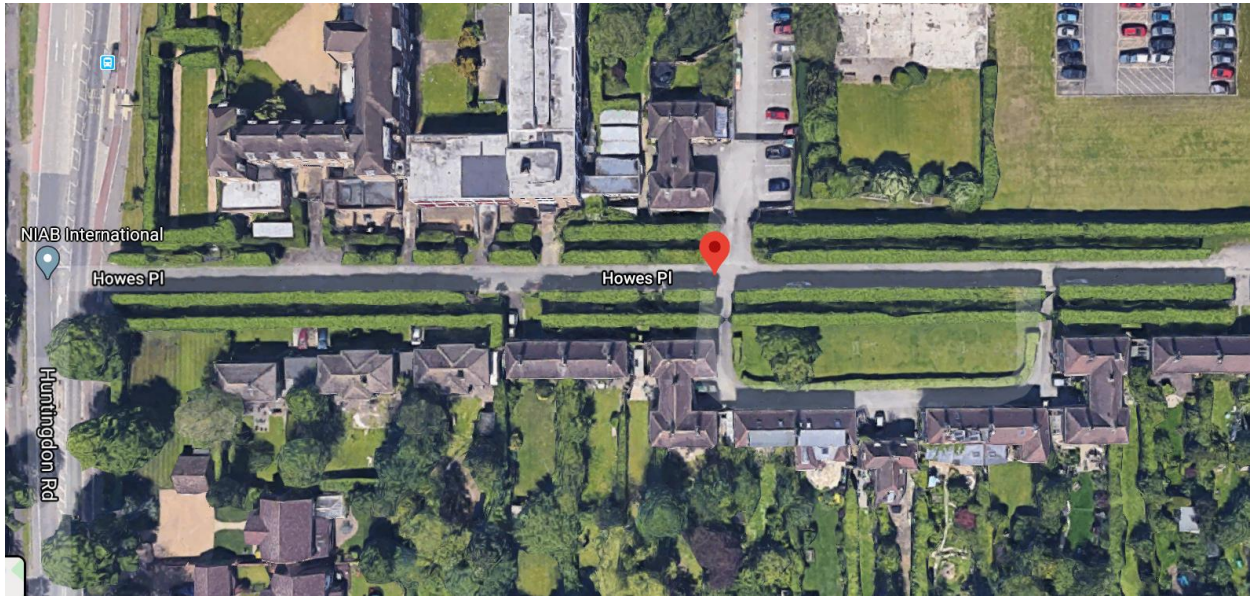
These documents can be inspected via Public Access or by contacting Joanna Davies on extension 8522

The author and contact officer for queries on the report is Joanna Davies on extension 8522

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Appendix 1 – Aerial Photo of the double avenue.



Appendix 2 – Aerial Photo indicating all trees to be removed at 2 and 3 Howes Place

