



30th June 2021

Report to:

Cambridge City Council
Planning Committee

Joint Director of Planning and Economic Development

Lead Officer:

Matthew Magrath

21/0499/TTPO. – Newnham (Newnham Mill, Newnham Road, CB3 9EY)

Proposal: Willow T1, remove split branch. Willows T1 and T2, reduce crown by 10-11m, pruning back to secondary growth points. T3 reduce crown by 9-10m, pruning back to secondary growth points.

Applicant: Hankinson Duckett Associates (HDA), Environmental Consultants

Key material considerations: Does the justification for the works proposed outweigh the trees' amenity value?

Decision due by 9th June 2021

Application brought to Committee because: Objections to the proposed works have been received and Cllr Dr Markus Gehring has requested that the determination of the application is brought before members.

Presenting Officer: Matthew Magrath

Executive Summary

1. A tree work application has been received to reduce the canopies of three Willow trees by between 9 and 11 metres. The trees are located adjacent to the mill race

to the rear of Newnham Mill. Concurrent with the Application, a 5-day notice was submitted for the same works. It is agreed that the removal of the split branch does not require the submission of a tree work application, therefore, the application is limited to the proposed crown reductions.

2. Required evidence has been submitted to justify the extent of work proposed in the application and officers agree that the works are appropriate to reduce unacceptable risk of harm or damage to an acceptable level.
3. Officer recommendation is to grant consent for the works proposed, subject to conditions.

Relevant planning history

4. 18/2052/FUL - Erection of new building comprising of eight self-contained residential units and associated infrastructure and works including bank re-profiling – Pending consideration.
5. 20/2036/TTPO – Application to fell the subject Willows. Application refused. Appeal lodged in December 2020 is yet to be registered by The Planning Inspectorate.
6. 20/2036/TTPO - G1 - comprising of 3 Willows (T1, T2 & T3 on attached plan): fell and treat/remove stumps to prevent regrowth – pending consideration.

Legislation and Policy

7. Town and Country Planning Act 1990 Part VIII Chapter I and Town and Country Planning (Tree Preservation)(England) Regulations 2012. Hereafter referred to as The Act and The Regulations.
8. Under Sections 14 and 15 of The Regulations, the removal of dead trees or the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm are excepted from the requirement to serve the LPA with a formal tree works application or s.211 Notice prior to the works being carried out. Instead The Regulations require notice in writing be given as soon as practicable after the works become necessary (in the case of dangerous trees) or at least five working days prior to the date on which the works are to be commenced (5-Day Notice).
9. Tree Preservation Order number 0025 (2020)
10. Cambridge City Council Tree Strategy

Consultation

11. Ward Councillors and near neighbours were consulted on the application in additional to the issuing of a Site Notice for display and publication via Public Access.

Representations from members of the public

12. Representation have been received from residents, ward councillors and Cambridge Past, Present and Future.

13. The representations can be summarised as follows:

- The work is proposed to facilitate development of the adjacent car park.
- The trees are important for biodiversity, landscape contribution and the character of the area. Cutting them back will be harmful to all.
- The proposal contravenes policies 58, 67 and 71 of the Local Plan.
- The green screen to the carpark and buildings beyond will be lost.

The Trees

14. The three Willow trees, T1, T2 and T3 are located on the bank of the mill race to the rear of Newnham Mill. They form a verdant boundary on the edge of the mill race screening the mill car park and buildings on Newnham Road from the Local Nature Reserve, Green Belt, County Wildlife Site and Protected Open Space that is Sheeps Green. The trees are healthy but all have dense end-loading which increases the risk of branches subsiding under their own weight and/or twisting with wind forces. A recent split in a large branch in T1 was a result of the above. In order to reduce the risk of harm or damage associated with additional failure of this nature remedial work is required.

The proposal

15. T1 Weeping Willow, reduce the crown by 10-11m, pruning back to secondary growth points. T2 Weeping Willow, reduce the crown by 10-11m, pruning back to secondary growth points. T3 Weeping Willow, reduce the crown by 9-10m, pruning back to secondary growth points.

Planning considerations

16. Amenity – Do the trees still make a significant contribution to the character and appearance of the area?

17. Condition/Nuisance – Are the works proposed excepted from the requirement to apply for permission in accordance with 14 and 15 The Regulations

18. Justification for Tree 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 outweigh the benefit of retention?

Officer Assessment

Amenity

19. The trees are clearly visible from Sheeps Green and especially from the footpath running adjacent to the mill race. They contribute significantly to the character of the area and screen the mill carpark and buildings beyond.

Condition/Nuisance

20. Hazard assessments have been submitted to support the application. Copies of these are available from the case officer.

Justification for Works

21. The removal of the split branch only is excepted from the requirement to apply for permission in accordance with 14 and 15 of The Regulations.
22. Officers have inspected the trees with consideration of the application submissions and the findings and recommendations are, in general, accepted. Officers agree that the increased risk of harm or damage associated with branch failure justifies a significant reduction and that the justification is not outweighed by the detrimental impact on amenity.
23. Should the application be refused the Council could be liable to claims for compensation for harm/damaged caused by any limb failure.
24. The extent of reduction as stated in metres in the application, is considered excessive due to inaccuracy in tree height assessment. It is therefore recommended that the extent of reduction should be limited to that indicated in the diagrams appended.

Response to objections

25. The proposed development of adjacent land does not alter the condition of the trees or the justification for remedial works. The tree work application is separate from the application to erect a new residential building and is required to be considered on its merits and in accordance with The Act and Regulations as opposed to the Local Plan.
26. The amenity contribution of the trees is not disputed and it is agreed that the proposed work will reduce the impact of the current screen and the appearance of the trees will be altered. However, the contribution the trees make to the character of the area is not solely attributed to their size. Willow trees respond well to pruning and even with repeated reduction to maintain the trees at their reduced dimensions the group will retain a positive impact in keeping with their location, adjacent to an important city asset.

Recommendation

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

- (1) Refuse permission for the works proposed
- (2) Grant consent for the works proposed, or
- (3) Grant consent for the works proposed, subject to condition.

28. Officers recommend that the Planning Committee approve the application subject to conditions to accurately define the extent of reduction approved and require works to be carried out in accordance with best practice.

Conditions

Obligations under Section 202D of the Town and Country Planning Act 1990

The extent of reduction will be limited to that indicated in the illustrated photos 2, 3 and 4 submitted by HDA.

Reason: To define accurately the scope of the permitted works.

Tree work shall be carried out by a competent and qualified person and in accordance with British Standards 3998:2010 - Tree Work. Recommendations.

Reason: To ensure that any works undertaken comply with arboricultural best practice and minimise the impact on each tree's health and amenity value.

Background Papers

Weeping Willow Trees at Newnham Mill, Cambridge – HAD 5- Notice Submission.
Willow Trees at Newnham Mill Car Park – David Brown
Tree Survey Health and Safety – Hayden's Arboricultural Consultants

Appendices

Appendix A: Location Plan
Appendix B: Annotated Photos of extent of reduction
Appendix C: TPO Plan
Appendix D: View of trees from Sheeps Green

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