

PLANNING COMMITTEE**20th April 2022**

Application	21/1539/TTPO	Agenda Item	
Date Received	16 th April 2021	Officer	Joanna Davies
Ward	Queen Ediths		
Site	Homerton College, Hills Road		
Proposal	T1 Lime, fell as tree in decline		
Applicant	Homerton College c/o Agent		

Application brought to Committee because: Objections to the proposed removal have been received from residents of Harrison Drive.

Executive Summary

1. A tree work application has been received to fell a Lime tree located at Homerton College, adjacent to Harrison Drive.
2. The Council may 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.
3. Officer recommendation is to grant consent for the works proposed, subject to replacement planting conditions.

Relevant planning history

- 17/2265/FUL - Demolition of existing conference reception building and construction of a new Dining Hall, buttery area, kitchens and associated facilities and new areas of hard and soft landscaping.
PERM
- 17/1855/FUL - Construction of small infill extension on Biology Block and demolition of existing Lecture Theatre & Dance Studio buildings. New hard standing for cycle storage and new accessible path to link extension to car park and footpath on Harrison Drive. PERM
- 21/0702/TTPO - T1: Lime - Fell. (not the subject Lime). TREFU

Legislation and Policy

4. Town and Country Planning Act 1990 Part VIII Chapter I and Town and Country Planning (Tree Preservation)(England) Regulations 2012
Tree Preservation Order number 24/2018

Consultation

5. Ward Councillors and neighbours were consulted on the application and a Site Notice was issued for display.
6. Comments have been received from a number of Harrison Drive Residents. These can be viewed in full via Public Access using the reference 21/1539/TTPO. Objections are summarised in the below table and a response provided.

Comment	Officer Response
Three trees in a line of 8 have already been felled to accommodate building works	The removal of two category C trees were approved to be removed as part of 17/1855/FUL. A replacement tree will be planted as part of relandscaping. The removal of one category B tree was approved to be removed as part of 17/2265/FUL. Tree was located under canopy of larger London Plane therefore replacement

	planting not required.
High Court Agreement dated 15 October 2018 which in the settlement terms state that Homerton College should use best endeavours to avoid the need to fell the trees which includes the lime tree T1. Residents only agreed to withdraw objections to the development on this basis.	Any agreement reached between the college and residents does not impact the Town and Country Planning Act 1990 or the 2012 Regulations (The Act). As such the local planning authority is required to assess tree works applications based on the justification presented within the submissions. Any permission for tree works given by the Ipa in accordance with The Act does not remove any other protection provided by a Civil or High Court Agreement. The Ipa has no authority however to act in relation to such agreements.
There are inconsistencies in the tree report therefore the recommendation to fell T1 is based on incomplete and incorrect information	The subject tree is described as being in poor physiological condition but also as having high vitality and well-developed buttressing. Physiological condition relates to the trees overall condition, it is described as poor because of the high % of dead wood/dieback. Typical of Lime the tree is showing prolific adventitious growth which explains the vitality. Well-developed buttressing suggests structural integrity at the base.
The report does not highlight any safety concerns	Agreed
Attempts should be made to revitalise the tree despite the report stating that this would be impractical	Given the extent of construction and hard landscaping around the tree it is agreed that soil amelioration is impractical. Officers are also of the opinion that damage cause by construction activity within the RPA will have damaged significant roots and compromised the tree's long-term retention and

	that its removal and replacement is therefore the most suitable option.
The college should be required to amend site plans to preserve the tree	Redevelopment of the area around the tree has full planning permission. The college may choose to amend its plans, subject to planning permission, but the Ipa has no authority to enforce this. The subject tree was originally approved to be removed and replaced because of its proximity to the new buildings. Its retention was included following an agreement with neighbours.
The report states that the area adjacent to the tree will become a main thoroughfare. This is incorrect as the main thoroughfare is the main entrance.	New cycle storage is located to the south and east of the tree. Pedestrian access to the buildings and through from Harrison Drive to the car park is expected to be moderate.

The site and its surroundings

7. The subject tree is located close to the northern boundary of the college, adjacent to Harrison Drive. To the south is the college grounds and buildings and to north, is the tennis centre and residential properties.

The proposal

8. It is proposed to remove a Lime tree opposite 8 Harrison Drive because of its declining condition.

Planning considerations

9. Amenity - Does the tree still make a significant contribution to the character and appearance of the area?
10. Condition/Nuisance – Are the works proposed excepted from the requirement to apply for permission in accordance with 14 and 15 of

the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

11. Justification for Tree Works - Are there sound practical or arboricultural reasons to carry out tree works?
 - i. What is the justification
 - ii. Is there a financial consideration
 - iii. Is there a health and safety consideration
 - iv. Does the nuisance out way the benefit of retention

Officer's Assessment of application

Amenity

12. The tree contributes to the verdant character of Harrison Drive but its declining condition is having a negative impact on that contribution.

Condition/Nuisance

13. The tree has a high percentage of dead wood/die back.

Justification for Works

14. Officers are generally in agreement with the arboricultural report in that the tree's overall poor condition and its proximity to recent development justifies its removal, subject to replacement planting. A replacement tree could be located slightly to the north and east to maximise clearance to the adjacent building. A replacement tree would be expected to adapt well to the rooting environment and ensure a long-term contribution to verdant amenity. Damage caused to the existing tree has resulted in significant decline and is expected to have compromised the tree's healthy retention in the long-term.
15. Damage cause by construction activity is sufficient for officers to consider the enforcement of Condition 34 of 17/2265/FUL.

If any tree shown to be retained on the approved tree protection methodology is removed, uprooted, destroyed or dies within five years of project completion, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

In such instances it is common to request a replacement tree that will officer some immediate impact. If the application is approved therefore it is recommended that the replacement tree be of sufficient size to make an instant impact.

Recommendation

16. Officers recommend that Planning Committee grant consent for the tree's removal subject to replacement planting conditions.

Conditions

17. No works to any trees shall be carried out until the Local Planning Authority has received and approved in writing the full details of replacement planting. Details are to include number of replacements, species, size, location and approximate date of planting. The replacement planting shall be carried out as approved.

Reason: To require replacement trees to be approved, planted and subsequently protected, to ensure continuity of tree cover in the interest of visual amenity.

18. Trees will be planted in accordance with the approved planting proposal so as to ensure establishment and independence. If, within a period of 5 years from the date of planting, replacement trees are removed, uprooted, destroyed, damaged, or die another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority gives its written consent.

Reason: To require replacement trees to be approved, planted and subsequently protected, to ensure continuity of tree cover in the interest of visual amenity.

Appendices

Appendix A: Photographs
Appendix B: Location Plan

Report Author:

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