Planning Committee Date	5th October 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	22/0669/TTPO
Site	76 De Freville Avenue
Ward / Parish	West Chesterton
Proposal	T1 – Acacia : Dismantle to near ground level and replant with Liquidamber Worplesdon. T3 Birch : Reduce height by 2m.
Applicant	Canopy Tree Specialists on behalf of 76 De Freville Avenue
Presenting Officer	Joanna Davies
Reason Reported to Committee	Third party representations and Cllr objections
Key Issues	Justification for the removal of a TPOd tree Justifcation for remedial works to a TPOd tree
Recommendation	**APPROVE** removal of T1 subject to conditions **REFUSE** crown reduction of T3

1.0 Executive Summary

1.1 This tree work application was previously brought before committee on 7th September 2022. At that time committee agreed to defer the decision until third party commissioned reports could be fully considered.

1.2 The application seeks permission for the removal of a False acacia (T1) and the crown reduction by 2m of a Silver birch (T3). Both trees are located in the rear garden of the 76 De Freville Avenue.

1.3 Officers are satisfied that there is sound arboricultural justification for the removal of T1 given the decay located in the lower canopy and the associated risk of structural failure. Replacement planting is proposed to mitigate in the long-term the loss of amenity.

1.4 Officers are not satisfied that there is sound justification for a crown reduction of T3.

1.5 Officers recommend that the Planning Committee approve the removal of T1 subject to replacement planting and refuse the crown reduction of T3.

2.0 Site Description and Context

Conservation Area	X	Tree Preservation Order	X

2.1 T1 and T3 are located in the rear garden of 76 De Freville Avenue. Both trees can be viewed from a public perspective through the gap between 76 and 78 De Freville Avenue and through gaps between houses on Belvoir Road. They contribute significantly to the verdant character of the conservation area but the wider impact, as perceived by the public, is limited due to the presence of surrounding houses and additional trees.

3.0 The Proposal

3.1 T1- Acacia : Dismantle to near ground level. Eco plug stump to prevent regrowth. Re plant with (Liquidambar Worplesdon) on left side of the garden further down the garden away from the properties. The reason for dismantle is the pollard heads look to be quite decayed near the top. There is also a V shaped union near ground level, because of this the client is worried about it failing as it is overhanging the neighbour's property and is very close to their property.

3.2 T3- Silver birch : Reduce height by approximately 2m to secondary growth points. Reduce lateral branches by approximately 2-2.5m to secondary growth points, to a more compact size and shape. Reducing the amount of overhang to neighbours on right boundary. Remove any dead wood.

3.3 In April 2022 section 211 Notice 22/0475/TTCA was received, which proposed the following works. Front garden - 1 Cypress: Dismantle to near ground level. Rear garden- 2 Cypress: Dismantle to ground level. 3 Silver birch: Dismantle to ground level. 4 Spruce : Dismantle to near ground level. 5 Dead apple : Fell to ground level. 6 Acacia: Dismantle to ground level.

3.4 Insufficient justification was given and some of the removals would have had a significant impact on amenity. A TPO was served therefore to protect trees including both the False acacia and Silver birch that are the subject of this application.

4.0 Policy

4.1 National

Town and Country Planning Act 1990 Part VIII Chapter I and Town and Country Planning (Tree Preservation)(England) Regulations 2012.

4.2 Other

De Freville conservation area
Citywide Tree strategy

5.0 Consultations

5.1 Ward Councillors and near neighbours were consulted on the application and a Site Notice was issued for display.

6.0 Representations

6.1 Representations have been received from residents in De Freville Avenue, Humberstone Road and Belvoir Road. These are available to view in full via Public Access. In addition, third parties have commissioned reports on the condition of T1. These are also available via Public Access and commented on below. Cllr Jocelynne Scutt, Cllr Sam Carling and Cllr Richard Swift objected to the removal of T1 and requested a deferral to allow assessment of third party commissioned reports and a site visit, which was carried out on 20th September.

6.2 The below tables objections and officer responses.

Third Party Comment	**Officer Response**
No good reason for removal, trees appear healthy with nothing “wrong” with them	It is agreed that T3 is showing no signs of significant defect. T1 is showing good vitality but closer inspection reveals decay and bark necrosis, which is compromising the tree’s structural integrity and significantly increasing the risk of branch failure. Given the location of

	T1 the risk of harm and/or damage resulting from limb failure is significant
Threat/nuisance concerns not shared by affected neighbours	Following inspection, officers are satisfied that the structural condition of T1 is sufficiently compromised to pose a threat and that is sufficient reason to grant consent for the tree's removal.
Replacement by non native species reprehensible	False acacia trees are not native to the UK. With changes in climate resulting in prolonged periods of drought and flooding successful urban forestry requires a diverse range of species and those that thrive in our changing climate are often not native
Not all residents consulted so how can decision be taken	There is no legal requirement to consult on tree works applications but consultation was carried out in accordance with council policy
The trees are important for wildlife, climate change and their removal would be contrary to policy	The removal of trees with significant defects resulting in an unacceptable risk of harm/damage from failure is not contrary to any national or local policy. Trees are living organisms susceptible to age, pests and diseases. The contribution they make to amenity, wildlife and landscape character is everchanging. The loss of individual trees is inevitable but with appropriate replacement planting to safeguard future populations justified removals need not result in a negative impact on the overall contribution any individual makes to the city's tree population
The tree should not be removed when its size can be managed	It is the upper canopy of T1 that makes the greatest contribution to visual amenity. Decay is located relatively low in the crown, just above the primary bifurcation. The reduction required to make the tree "safe" would significantly reduce its visual prominence. Furthermore, the removal of regrowth would need to be repeated regularly to manage the risk of failure, so restricting the tree's future amenity value. A replacement tree however could be allowed to grow with very limited remedial work.

6.3 A third party has submitted two reports prepared to support the tree's retention. The first is an email prepared by Neil Gale PhD from Aberystwyth. It is not clear when the tree was inspected by Dr Gale but no outward sign predicting bough failure or anything that would raise concern for safety issue were noted during his assessment.

6.4 The above is contrary to the defects noted during a site visit of 14th July 2022. Please see paragraph 8.11 for details.

6.5 The second report was prepared by Acacia Tree Surgery Ltd, who carried out a site visit from 74 De Freville Avenue. This report cites decay at the points to which the tree was previously reduced and advises that the tree be reduced to form a smaller compact crown to alleviate pressure on old pruning points.

6.6 The above confirms the defects noted during the officer site visit of 14th July 2022. Please see paragraph 8.11 for details.

7.0 Member Representations

7.1 The application was previously brought before committee on 7th September when members voted to defer the decision to allow assessment of third party commissioned reports.

8.0 Assessment

8.1 Planning Considerations

8.2 Amenity - Does the tree make a significant contribution to the character and appearance of the area.

8.3 Condition/Nuisance – Are the works proposed excepted from the requirement to apply for permission in accordance with regulations 14 and 15 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

8.4 Justification for Tree Works - Are there sound practical and/or arboricultural reasons for the works proposed?

8.5 Principle of Works

8.6 T1 and T3 contribute significantly to the verdant character of the conservation area but the wider impact, as perceived by the public, is limited due to the presence of surrounding houses and additional trees.

8.7 The removal of T1 will be sufficiently detrimental to amenity to warrant sound justification.

8.8 The crown reduction of T3 will be sufficiently detrimental to tree health and amenity value to warrant sound justification.

8.9 The long-term contribution the collection of trees within 76 De Freville Avenue makes to the verdant character of the conservation area can be safeguarded with replacement planting, if T1 is removed.

8.10 The risks associated with confirmed decay in T1 are at present not considered to be imminent therefore the works proposed are not excepted from the requirement to apply for permission.

8.11 Information provided with the application was subjective and lacked detail. An officer site visit was carried on 14th July 2022. The tree was previously reduced to a height of approximately 6m. The reduction resulted in large diameter pruning wounds. Decay is visible at the points of reduction with a cavity and bark necrosis formed below on the northernmost limb. The regrowth above these weak points is substantial and the risk of failure, significant. Please see photos at appendix 3.

8.12 Crown reduction to reduce the risk of failure to an acceptable level would need to be below the decay. Such a reduction would materially reduce the tree's public amenity value and the need for repeated removal of regrowth would ensure that the reduction in amenity value would be permanent. The tree is located approximately 4m from the rear elevation of number 76. At is current height much of the canopy is at a height that does not conflict with adjacent houses or use of the garden. A crown reduction will lower the canopy and increase conflict with neighbouring structures. As is typical of the species a heavy reduction could result in prolific thorny epicormic growth. Removal of the tree allows replacement planting to be enforced so preserving long-term amenity.

8.13 **Planning Conditions**

8.14 Members attention is drawn to the following conditions that form part of the recommendation:

Condition no.	Detail
1	No works to any trees shall be carried out until the LPA 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. Reason: To require replacement trees to be approved, planted and subsequently protected, to ensure continuity of tree cover in the interest of visual amenity
2	Trees will be planted in accordance with the approved planting proposal. If, within a period of 5 years from the date of planting, replacement trees are removed, uprooted, destroyed 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

8.15 Planning Balance

8.16 Government guidance states that in considering an application the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified. Policy 2 of Cambridge City Council Citywide Tree Strategy sets out the criteria against which amenity is considered.

8.17 In certain circumstances, compensation may be payable by the local planning authority for loss or damage which results from the authority refusing consent or granting consent with conditions.

8.18 On balance officers believe that the risk of harm and/or damage associated with a refusal outweighs the negative impact the removal of T1 will have on the verdant character of the conservation area.

8.19 However, there is insufficient justification to support the crown reduction of T3, which would also be detrimental to the verdant character of the conservation area.

8.20 Replacement planting is required to safeguard the long-term contribution the site makes to amenity.

9.0 Recommendation

9.1 **Approve** removal of T1 subject to:

- The planning conditions as set out above.

9.2 **Refuse** the crown reduction of T3 for the following reasons:

9.3 There is insufficient justification for the works to T3 in the manner proposed and these works would be detrimental to tree health and amenity contribution and therefore to the character and appearance of the area. The Council recognises the need for periodic works to some trees to maintain a reasonable relationship between trees and property and would be minded to approve considered tree work proposals made for sound arboricultural and/or practical reasons.

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Tree strategy - Cambridge City Council
- Simple Search (greatercambridgeplanning.org) 22/0669/TTPO, including application submissions, photos and third party representations.

- TPO 0020 (2022) – contact Joanna Davies

Appendix 1 Tree Location

Appendix 2 View of trees from De Freville Avenue

Appendix 3 Reduction points and decay