



*St Edmundsbury*  
BOROUGH COUNCIL

# **Development Control Committee**

## **7 April 2016**

### **Tree Preservation Order Application**

**DC/15/2196/TPO**

**11 Northgate Avenue, Bury St Edmunds, Suffolk**

**Date:** 27 October

**Expiry Date:**

**Registered:** 2015

**Case Officer:** Aaron Sands

**Recommendation:** Grant

**Officer:**

**Parish:** Bury St  
Edmunds Town  
Council

**Ward:** Risbygate

**Proposal:** TPO 218(1972)42 - Tree Preservation Order - 1no. Lime - Fell

**Site:** 11 Northgate Avenue, Bury St Edmunds

**Applicant:** Mrs Julia Hadley

#### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

#### **Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

#### CONTACT CASE OFFICER:

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## **Background:**

**This application is referred to Planning Committee due to the interest shown by Councillor Wakelam as a neighbour of the property and as ward member for the area and in the interests of openness and transparency.**

**Following deferral of the application in January 2016 to seek professional advice regarding the status of the tree an arboricultural report has been received and disseminated at Exempt Appendix 1. A [redacted version](#) of this arboricultural report is also available online.**

## **Proposal:**

1. Permission is sought for the felling of a Lime tree sited at the end of a row of 8 no. Lime trees comprising G8 of Tree Preservation Order 218 (1972). The application form states the poor health of the tree as the reason for the felling.

## **Application Supporting Material:**

2. Information submitted with the application as follows:
  - Application Form
  - Tree Inspection Report
  - Location Plan

## **Site Details:**

3. The site comprises a two storey, semi-detached dwelling within the Housing Settlement Boundary. The tree is one of three located within the rear of number 11 Northgate Avenue, with the line of Lime Trees continuing in gardens along Stephenson Place. The trees are visible in glimpses along Northgate Avenue with a more substantial view along Stephenson Place. They have historically been maintained as pollarded trees.

## **History:**

4. DC/14/0496/HH - Planning application - Erection of single storey rear extension. Granted. 28/05/2014
5. SE/13/0046/TPO - TPO218(1972)35 - Tree Preservation Order Application - To pollard three Lime trees in rear garden back to previous reduction points or sound wood. (Within Group G8 on Order). Granted. 12/03/2013
6. SE/11/1107 - TPO218(1972)33 - Tree Preservation Order Application - Fell one Lime tree with G8 on Order. Refused. 07/11/2011. Dismissed at Appeal 28/05/2012
7. SE/11/0605 - TPO218(1972)32 - Tree Preservation Order Application - Pollard 3 Lime trees (to reduce height by 3 metres) - trees within Group

G8 of Order. Refused 08/07/2011

8. SE/08/0526 - TPO218(1972)28 - Tree Preservation Order Application - Remove all suckers to a height of one metre to three Lime trees (marked 1, 2 and 3 on plan) and reduce height of Lime tree closest to house (1 on plan) by two metres. All trees within group G8 on Order. Split Decision. 03/06/2008

**Consultations:**

9. Arboricultural Officer: *No objection – the tree is showing signs of white rot and appears to be in poor health and felling would be appropriate. It is advised that a replacement may not be successful given the constraints of the area.*

**Representations:**

10. Parish Council: No objection
11. Councillor Wakelam (as a neighbour):
  - Objection, the report does not adequately diagnose the fungus as Honey Fungus and the tree should be preserved for the reasons given by the Inspector in 2012 (*under appeal ref. SE/11/1107*)

**Officer Comment:**

12. The issues to be considered in the determination of the application are:
  - Amenity of the Tree
  - Health of the Tree
  - Replacement of the Tree

Amenity of the Tree

13. The Lime tree forms the end tree of a group of Lime Trees retained from the development of the area. This row contributes to the leafy character of the area and is visible from Stephenson Place and in glimpsed views along Northgate Avenue. The trees are an important feature of the area, despite a wealth of tree cover in the vicinity and it can therefore be considered that the tree has substantial amenity value, worthy of protection by TPO.

Health of the Tree

14. The arboricultural officer previously visited the site and noted that the tree is suffering from a white rot decay that has spread extensively and has meant that retention of the tree is not considered to be viable from an arboricultural perspective. Noting that such decay might spread to other trees in the area it would be arboriculturally appropriate to remove the tree to protect them and to prevent failing that could lead to property damage and endanger nearby residents.
15. Confirmation has been received that the tree is suffering from Honey

Fungus, a type of white rot. It is the recommendation of the arboricultural report that the tree is felled as early as possible given the likely advanced decay within the root system and the immediate threat to the adjacent trees which do not currently appear to be infected.

16. The specialist arboricultural report has confirmed that the decline of T001 is entirely related to the infection of Honey Fungus which has caused significant basal decay and is likely to have extensively infected the tree's root system. It is highly likely that the infection of the tree has been made possible by root damage during construction or landscaping works and resultant stress. It is most likely that this damage occurred during construction of the main residence in 2008 as paving present during recent extension works would have afforded a degree of root protection.
17. Comments previously received from the arboricultural officer have indicated that the tree appears to have suffered damage in the past arising from human causes as described in section 6.0 of the specialist arboricultural report. While the damage of the tree may be an offence it is not considered that this would prejudice the removal of the tree given its failing health and the condition of the tree is such that its removal is justified. In reaching this position only arboricultural matters can be taken into account so, for example, it would not be reasonable to retain a tree that was otherwise considered to be unhealthy or dangerous, particularly noting that the disease may spread if this tree is not removed, on the basis that there are suspicions about how the tree came to be unhealthy. Rather an objective assessment must be made and, in this instance and context, such an assessment points towards agreeing to the removal of the tree.
18. The arboricultural report has confirmed that damages caused to this tree were unlikely to have had any significant effect on the tree and unlikely to have significantly exacerbated the infection of Honey Fungus. The damage is estimated within the last 2-3 years though root damage may have occurred during the course of building the dwelling. That said the damage to the tree is a separate matter of investigation by the enforcement team that does not fetter or otherwise effect the decision to be undertaken in regards to this application.

#### Replacement of the Tree

19. Previous appeal decisions in relation to the felling of the tree have noted that a replacement tree would go some way to alleviate the loss of amenity caused by the felling. It should be noted that suspicions as to the cause of the decline in health of this tree cannot be used for or against in making a judgement as to whether or not a replacement tree is required.
20. While the arboricultural officer notes that the constraints of the site may not be conducive to a replacement tree it is considered, however, that such a replacement should be sought in order to limit the considerable harm caused to the amenity of the area. The inspector of appeal ref. SE/11/1107 comments that;

“[a replacement] would, in time, provide a feature and some

screening that would be more constant without the need for regular pollarding. It would nevertheless be unlikely to reach the scale of the lime tree and would take some time to replace the amenity and screening currently afforded by it.”

21. However, and all that said, the arboricultural report recommends that no replacement is planted following the felling of the lime tree. The provision of a replacement tree at the same location is potentially problematic due to the fungal infection present within the soil environment. Furthermore difficulty in selecting a species of tree that will be sustainable in such close proximity to the residence without frequent pruning works is a factor worth consideration and it would not ordinarily be considered good practice to plant a tree at this location. It is therefore recommended that a replacement tree is not required in this location.

**Conclusion:**

22. In conclusion, the tree is considered to be of sufficiently poor health such that its retention would be unreasonable in these circumstances where it might lead to safety issues and the spread of disease to other protected trees along this particular line and in the nearby vicinity. A replacement tree is not considered to be viable in this location.

**Recommendation:**

It is **RECOMMENDED** that planning permission be **Approved** subject to the following conditions:

1. Standard time limit (2 years)
2. Accordance with latest arboricultural standards

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NWZGWDPD05M00>

Case Officer: Aaron Sands

Date: 14 March 2016