

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (

REF NO: A/8/15/T

LOCATION: Kalyvaki
Mulberry Hollow
Angmering

PROPOSAL: Fell 1 No. Quercus Ilex tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The tree the subject of this application.
BOUNDARY TREATMENT	A mixture of mature planting and close boarded fencing.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling.
CHARACTER OF LOCALITY	Primarily residential in character with various mature trees.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Angmering Parish Council

Considered at Planning, Conservation & Development Committee Meeting 24/02/2015. No objection to the felling of the tree, given the content of the tree surgeon s report, but comment that it would be best replaced with a suitable native species of tree.

Comments on Representations received:

Comments noted. However, the Council's Tree Officer in his report has identified that replacement planting has already been undertaken with three olive trees being planted. Whilst these smaller trees would not usually be suitable mitigation due to the surrounding landscape due to its stocking density the loss of the tree will have a limited impact upon the landscape.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Council's Tree Officer:-

Comments:

- This individual is located in the back garden of Kalyvaki, Ham Manor Close. This 'private' estate has an unusually high stocking density of early/semi/over mature trees of varying species. The back garden where this tree is standing is over mature, with further large/medium sized trees surrounding the northern boundary.

- T1 is in particular poor condition. Also from the site inspection that there is a presence of Mycelium/bark flaking on the main limbs/scaffolds. It is also evident that the leaf density is lower than you would expect to find on a Holm Oak. Unfortunately there were no fruiting bodies present on T1 at the time of my inspection. The applicant has however provided photographic evidence of fruiting bodies of Collybia fusipes, which is a white rot pathogen that will devalue the root structure. This does leave T1 more susceptible to windthrow occurring as this pathogen develops.

- This poor condition now experienced by T1, can be attributed to a previous reduction/s. This previous reduction has led to the degradation occurring on the scaffolds within the canopy of T1. I have asserted the previous reduction was the cause of the degradation witnessed on T1, due to the final cut size of the pruned scaffolds. These cuts have far exceeding the criteria set by the BS 3998:2010 section 7.2.4. The criteria within section 7.2.4 states 'the diameter of the final cut should generally not exceed one-third of that of the parent stem or branch. If the tree is old or declining, the maximum diameter of individual cuts should be even smaller, to allow for the relatively small proportion of sapwood and the slow rate of wound occlusion. It is clear from the site inspection the previous reduction has caused a cross sectional area exposed from the finishing cuts in the canopy has actually exceeded the cross sectional area at the base of T1. This action has evidently contravened the BS 3998:2010 section 7.2.4. This level and size of wounding present would have caused a high amount of stress to T1.

- When surveyed, T1 had clear signs of degradation and/or decay on the main scaffolds within the crown. This degradation does appear to be extensive and it does appear to be affecting all the given scaffolds.

Recommendation:

- I have no objection to the proposed operation of the felling of T1, as it poses a risk to the persons/property of major limb/scaffold failure occurring.

- As this tree has an active TPO, felling this tree will have to be mitigated against. As stated on the application the resident has already planted 3 olive trees to mitigate against the loss of T1. Usually these smaller trees would not be suitable mitigation, however the surrounding landscape has a heavy stocking density of mature/over mature trees. Because of the already richly stocked landscape, I would be happy to allow the newly planted olive trees to act as mitigation to the loss of T1.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations Applicable to Site:-

Adopted Local Plan

Tree Preservation Order

Outside Built Area
Private Street
Spec Cont Advts

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

A visual inspection of the tree was undertaken by the Council's Tree Officer who identified clear signs of decay on the main scaffolds in the crown. No objection has been raised in relation to the proposed felling by the Council's Tree Officer as the tree poses a risk to persons and property due to major limb/scaffold failure.

Therefore, it is recommended that this application is approved subject to the below conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

- 2 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 3 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 4 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.