

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

REF NO: LU/51/15/T

LOCATION: Sandfield House
Lyminster Road
Wick

PROPOSAL: Fell 1No. Chestnut 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 detached dwelling to the rear with various trees, bushes and hedging to the east and west.
SITE CHARACTERISTICS	Detached three storey dwelling with smoothed rendered elevations and a grey slated roof. Gardens to the front, east and west.
CHARACTER OF LOCALITY	The area is a combination of residential and nurseries which are near to the level crossing. The residential properties are a mixture of detached, terraced and bungalows.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None received.

Comments on Representations received:

N/A

CONSULTATIONS

Arboriculturist

Consultations responses received:

Council's Tree Officer:-

Comments:

· The tree cited in this applicant is standing in a linear belt of trees and shrubs that about the

report

boundary of Sandfield house to footpath and a main highway.

- The applicant has applied to fell T1. This tree is subject to an active TPO.
- It is apparent from the survey that T1 has a significant portion of the upper area of the canopy has significant die back. As pointed out by the applicant this does mean T1 has lost its apical dominance. This would indicate a greatly reduced retention span for T1, and would indicate this tree is entering a retrenchment stage of development. It should be noted that a portion of this dead mass is currently overextended over the abutting public footpath.
- It is also clear from the site inspection this tree has areas of included bark, which is causing a split to form in the basal area of T1, which is spanning up to 8 meters up the main stem. There are further areas of included bark and further smaller splits beginning to emerge in the mid canopy area.
- These factors would indicate this tree is in deteriorating health, and is therefore likely to entering a retrenchment stage of its lifecycle. The retrenchment is likely to continue within the canopy, which does increase the chance of potential conflict between failing dead sections of T1 and the public footpath/highway that abuts T1.
- Although the site visit took place in the dormant season, the applicant has informed me T1 does suffer from leaf minor *Cameraria ohridella*. Although not a fatal condition, it does weaken the trees ability to respond to any stress causing factors.

Recommendation:

- I would therefore recommend that T1 is felled, as it poses a potential risk to the footpath/highway that abuts.
- As this tree has an active TPO, a replacement must be used as mitigation for the loss of T1.
- As discussed with the applicant on site, a swamp Cypress *Taxodium* spp is to be used as a replacement stock. This replacement should be planted within 20 meters of T1.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:-

Class A Road

Tree Preservation Order

Buildings of Special Character

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

The tree has been assessed by the Council's Tree Officer who identified that a significant portion of the upper area of the canopy has significant die back. This would indicate a greatly reduced retention span due to the loss of its apical dominance suggesting the tree had entered a retrenchment stage of development. It was also noted that a portion of this dead mass is currently over the abutting public footpath. It is also identified by the Council's Tree Officer that the tree has developed a split in the basal area which is spanning 8 metres up the main stem. The Council's Tree Officer has recommended that the tree is felled as it poses a potential risk to the footpath/highway which abuts the tree.

Therefore, in accordance with the advice provided by the Council's Tree Officer it is recommended that approval is granted for the felling of the Horse Chestnut tree subject to the following 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 applicant shall during the next planting season following the felling of the trees, the subject of this application, plant a swamp Cypress Taxodium within 20 metres of the Horse Chestnut to be felled and in the event that any such trees die within five years following such planting they shall be replaced by a similar tree in a similar position during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 3 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.

- 4 **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.
- 5 **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.