

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

REF NO: M/76/14/T

LOCATION: 55 Ilex Way
Bognor Regis

PROPOSAL: Fell 1No. Oak tree. Resubmission of M/38/14/T

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The Oak tree is located in the rear garden of the property close to its north-west corner.
SITE AREA	n/a
TOPOGRAPHY	Predominantly flat.
TREES	The tree that forms the subject of this application.
BOUNDARY TREATMENT	Open at the front and close boarded fencing to the rear.
SITE CHARACTERISTICS	The site is occupied by a residential dwelling which is two storeys in height and an end of terrace property. The property is located within a cul-de-sac which forms part of Ilex Way.
CHARACTER OF LOCALITY	Predominantly residential in character, there are semi-detached and terraced properties in the road. There are other trees in the street scene, albeit of a smaller height and presence than the subject Oak tree.

RELEVANT SITE HISTORY

M/38/14/T	Fell 1 No. Oak Tree and replace with 1 No. Silver Birch	Refused 21-07-2014
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REPRESENTATIONS

Representations received:

Middleton Parish Council

Objection.

The Committee will, however, be guided by the view of Arun District Council's arboriculturalist. If he believes the tree should be felled then the objection will be rescinded.

Comments on Representations received:

Noted. The Council's arboriculturalist considers that the tree should be felled and so it is assumed that the Parish Council's objection is rescinded.

CONSULTATIONS

Arboriculturist

Consultations responses received:

· This is a resubmission on a previous application to fell this tree. The initial application came in the summer months. Subsequently this second application has highlighted the presence of Beef Steak Fungus *Fistulina hepatica*. A site visit I made in August did confirm the presents of this pathogen on the outlined tree.

· Beef steak fungus is a slow acting brown rot parasite. It is a common site on oak trees of the UK and the 'browning' effect it causes in the heart wood is desired after by turners. Another effect of this slow break down is very little outward indications in the host that failure is about to occur.

· Unfortunately this does mean this tree is likely to fail at some point (once the host has been sufficiently weakened). In some locations this would have a low risk of causing collateral damage, however on this site there is a high chance of this tree having effects on targets (both human and property in the garden).

· As there is no 'treatment' for this pathogen, management of this tree is going to mean reducing the risk of collateral damage down to an actable level.

· It would be therefore my recommendation the tree is felled, due to the risk of failure occurring with this specimen in its current location is likely to lead to collateral damage.

Comments on Consultation responses:

Comments noted. On this basis, the application will be recommended for approval.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

Policies are general and, other than National Planning Practice Guidance references ID: 36-011-20140306, 36-008-20140306 and 36-012-20140306 accessed on-line on 9th October 2014, 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 Oak tree is situated in the rear garden of the property and in a gap between the property and no. 53 Ilex Way. Despite its rear garden location and set back distance from the road, its height and crown spread provides significant amenity value in the local area.

This application forms a resubmission of previous application M/38/14/T and this time includes evidence of disease in the tree. The Council's arboriculturalist has examined the tree and highlighted the presence of Beef Steak Fungus. This will cause the tree to fail at some point and there is a high chance of this tree having effects on targets (both human and property in the garden). Since there is no treatment for this pathogen, it is considered that the application for its felling be approved.

Whilst the felling of such a large and visually significant tree is regrettable, a condition securing a replacement tree should go some way to mitigating against its loss.

It is therefore recommended that the application be approved, 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 replacement trees of a species and maturity and in positions approved by the Local Planning Authority and under its supervision and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions 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 **INFORMATIVE:** The applicant is advised in respect to Condition 2 to take account of the advice given by the Council's arboriculturalist, namely:-
 - The replacement tree should have a minimum expected mature height of six meters. The individual can be planted within 5 meters of the original specimen (it is suggested that the replacement is NOT in the Oak or sweet chestnut family as these individuals are most susceptible to the admittance of this pathogen)
 - The species choice can be selected by the applicant, but preferred suggestions would be:
 1. Ginkgo biloba Mayfield

- 2. Acer Pamatum Bloodgold
- 3. Ceris siliquastrum Judas Tree

- 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.