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

REF NO: Y/13/15/T

LOCATION: Dukes Meadow
Hoe Lane
Flansham
PO22 8NT

PROPOSAL: Fell 1 No. Horse 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	1.6 metre high flint wall.
SITE CHARACTERISTICS	The site is occupied by a detached 1.5 storey property.
CHARACTER OF LOCALITY	The site rural in character and features residential properties within the immediate vicinity of the application site.

None

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council
No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:
Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:
Council's Tree Officer:-

Comments:

· T1 lies in the area of Flansham, which is a high amenity landscape with young, semi mature, mature,

and over mature trees specimens present of varying species.

· The tree outlined in this application is located in the rear garden of 'Dukes Meadow'. The northern flank of this tree spans a private lane, and the other extremities of this tree span over a garage and the garden of the owner.

· The application has provided photographic evidence of a fruiting body Honey Fungus Armillaria mellea, spouting from a cavity at 2 meters height in the basal area (this was not present at the time of my visit, however from the pictures submitted I am happy this bracket was on the tree in question). The size of this bracket and the state of the heartwood would indicate a high level of degradation present. The applicant has also indicated that T1 has bacterium infection of horse chestnut (Pseudomonas syringae pv. Aesculi) and leaf minor (Cameraria ohridella). These afflictions are common place on horse chestnuts, and would have added to the stress experienced by T1, which in turn is the likely cause of Honey fungus becoming established.

· From the site inspection, it is also clear that the primary/secondary scaffolds have included bark, and some splits beginning to emerge. It is also apparent this tree has had previous reduction - the wounding left by this reduction has evidence of degradation. Also this individual has a dynamic mass of less than 30% - this is another indicator of a continuation of degradation.

· All these factors would indicate a low retention span for T1, with limb/systemic basal area failure/s becoming more likely.

Recommendation:

· Due to the fore mentioned factors, I would have no objection to the felling of T1.

· As this tree has an active TPO order, there will be a requirement to replant with a suitable replacement. I have spoken to the owner of T1, and we have agreed to an English Oak (Quercus robur) as a suitable replacement. I would like to add the condition that this replacement should be planted within 10 meters of where T1 was located.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:-
Adopted Local Plan
Outside Built up Area Boundary
Special Control of Adverts
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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 is a prominent feature within the street scene and makes a positive contribution to the visual amenity of the area.

The tree has been inspected by the Council's Tree Officer who has identified a number of factors which have contributed to the degradation of the tree. These include the presence of Honey Fungus, bacterium infections as well as splits to the primary and secondary scaffolds. Therefore, it has been acknowledged by the Council's Tree Officer that this tree has a low retention span with an increased risk of limb/systemic basal area failures becoming more likely.

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

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 tree, the subject of this application, plant an English Oak (Quercus robur) as a replacement tree within 10 metres of the Horse Chestnut felled and in the event that the tree should die within five years following such planting it shall be replaced by a tree of the same species 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.