

1.0 Reason for Committee Referral

1.1 Applicant is an Officer of the Council.

2.0 The Site and Surroundings

2.1 The property is a 2 storey detached dwellinghouse lying on the southern side of The Avenue, which is part of the Summersdale Estate. The property has garden to the front and rear, with a rear access from Tregarth Road.

2.2 The 1 no. Sycamore tree (T1) has an individual Tree Preservation Order (TPO) placed on it, subject to CC/98/00309/TPO and this TPO was confirmed on 30 April 1998. The Sycamore tree (T1) is located on the southern boundary adjacent to the rear entrance (west) to the property. The property has recently had a new garage block built to the north of the Sycamore tree.

3.0 The Proposal

3.1 The proposal is to fell 1 no. Sycamore tree (T1) subject to CC/98/00309/TPO

3.2 The proposed felling is because of the findings of the Applicant's Arborist who has concerns about the strength and integrity of the tree's main stem/union areas and wounds/decay areas around the tree's stem.

4.0 History

02/02825/TPO	PER	Crown reduce by 33% a Sycamore tree (T1) subject to TPO/179/CC.
05/04123/TPA	PER	Crown reduction by 35% on 1 no. Sycamore (T1), subject to TPO/179/CC.
07/05397/TPA	REF	Fell 1 no. Sycamore tree (T1) subject to TPO/179/CC.
10/03593/TPA	PER	Reduce crown by 35% on 1 no. Sycamore tree (T1) subject to CC/98/00309/TPO.
15/00062/TPA	PER	Crown raise by up to 5m (above ground level) all round on 1 no. Sycamore tree (T1) subject to CC/98/00309/TPO

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	YES
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Chichester City Council

No comments received.

6.2 Third party objections

2 objections have been received concerning the following matters:

- a) Our tree advisor confirms that as the tree is reported as being vigorous,
- b) Should be retained for the contribution it makes in the locality and the view up Tregarth Road
- c) Future monitoring and judicious pruning would be preferable as good management

6.3 Applicant/Agent's supporting information

The application was supported by an initial Arboricultural report, and following a request for further investigation of the tree the Applicant's Arborist reviewed the tree again on 18 February 2021. Resistance drilling was undertaken to further assess the health of the tree.

The findings show:

- a) Within the region of the inclusion between the two main stems there is a cavity/area of soft tissue that runs from the tree's base to the point of separation and across the entire trunk visible from each side,
- b) The cavity ranges from 120mm wide to at least 180mm wide between the stems.
- c) There is no obvious decay within other parts of the upper roots or trunk
- d) The only acceptable long term solution is for this tree to be completely removed and we would support any formal application to the local authority to do so.

The report concludes:

This conclusion is not one that we have made lightly, as no one wants to see a large tree like this being removed. However, this particular tree clearly has issues, given its current size and location, we have to consider the safety of the surrounding properties (northern end of Tregarth Road) and general public when they are using the public highway. It must also be a concern to the property owner, regarding possible damage to the adjacent garage and movement around their garden.

7.0 Planning Policy

- 7.1 As applications for works to trees covered by a TPO are not applications for development, their determination does not have regard to development plan policies. There is no specific policy in the currently approved Local Plan in relation to tree matters such as this.
- 7.2 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Promote and increase sustainable, environmentally friendly initiatives in the district
 - Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are; the impact of the loss of the tree on the visual amenities of the locality, and the risks associated with its retention.
- 8.2 The 1 no. Sycamore tree (T1) the subject of this application is located within the rear garden, approx. 3-4m south of the garage, it is close to the southern boundary, adjacent to the rear access point and at the northern end of Tregarth Road. It is a mature tree that has been reduced heavily in the past but is a prominent feature within the street scene and makes a high contribution to the visual amenities within the locality.
- 8.3 The Arborist's report submitted with the application recommended its main option was to fell the tree but also stated a second option would be to have an internal inspection using resistograph or sonic tomography. It was considered that due to the importance of the tree within the locality that internal inspection should be carried if the loss of the tree were to be justified. An addendum to the Arborist's report dated 18/02/21, prepared following a further inspection of the internal state of the tree's structure, has identified visual, structural and internal concerns. It can be ascertained from the Arborist's report and addendum that the potential decline/faults, which includes an internal cavity between 120mm and 180mm in size, could become an issue and so the report concludes that the felling of the tree would be justified.
- 8.4 Due to the positive contribution that this tree makes to the character of the area, its removal should only be considered if there are robust and sound reasons for doing so. Based on the information available, including the internal investigation used to assess the main structure (heart wood) of the tree's stem demonstrates that the tree's stem is in

decline with a significant impact on the main union areas and that pruning would be of limited benefit and that felling is the most appropriate option in this instance.

- 8.5 There are indications that the tree is showing signs of decline from a visual assessment of the tree, in addition the investigation of the internal structure has identified a cavity. The Sycamore tree is of a significant size and the decay/faults evident externally and to a significant degree internally, are of concern. Crown reduction or re-pollarding may not alleviate the potential internal weakened structure due to its faults and continued development and recovery after being pruned. It is considered that there are issues of sustainability with areas of wounding, weak points and inclusion which are potential detrimental to the longevity of the tree, pruning will be of limited benefit and the encroachment of the tree over the adjacent garage, towards the adjacent property, and in this instance due to the defects occurring around the tree's main scaffold the proposed felling and suitable replacement planting seems the most appropriate course.
- 8.6 The Council has to deal with this application to fell the Sycamore tree it on its own merits, having regard to the information submitted with the application, of the submitted representation and the fairly high amenity value of the tree and its contribution within the locality. In this case, there is clearly evidence of tree is showing signs of decline, structural weakness and there are also concerns about potential future impact on neighbouring property, applicant's property and public safety.
- 8.7 The contribution that this Sycamore tree makes to this part of the Summersdale, a leafy area of Chichester and being subject to a TPO is significant. However, the information submitted has clearly identified significant faults in the tree and on the basis of the poor structural integrity and it is considered that there is a significant potential for future failure of the tree to impact on adjacent public area (to the south) and structures (property to the south-west and applicant's garage to the north). The retention of the tree would therefore result in significant future health and safety risks, and on balance it is considered that these risks combined with the decline of the tree, outweigh the general presumption in favour of retaining this aesthetically valuable tree.
- 8.8 For the reasons set out above it is considered that the proposed tree felling is the most prudent option due to the poor state/condition of the tree's stem and replacement planting seems the most appropriate course of action to manage the long term amenity of the locality. A suitable replacement example might be a like for like species, or other examples are an Oak tree or a Norway Maple or a Field Maple, which should be provided in as practicable location, close to that of the current tree. It is, consequently, recommended that the application is approved, subject to a condition requiring a suitable replacement tree being planted.

Human Rights

- 8.9 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

Conclusion

8.10 By reason of the faults identified in the trees and its maturity combined with its size and position, the tree has become unsustainable for its location and poses a risk of public health and safety as well as surrounding structures. It is considered that the evidence submitted clearly justifies its removal, and suitable replacement would be warranted to maintain the character of the locality. The recommendation to permit the felling of the tree, and provide a replacement tree, complies with relevant Environment Planning Policies and therefore the application is recommended for approval.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The works hereby permitted shall be completed within two years from the date of this consent. After the expiry of the time limit a further application for consent would have to be made.

Reason: A limited period has been imposed to prevent the accumulation of consents on the tree(s).

2) Within the first planting season following the completion of the proposed felling of 1 no. Sycamore tree (T1) subject to CC/98/00309/TPO, a suitable replacement tree shall be provided in a position as near as practicable to the location of the original tree to be felled and with a height of at least 2 metres when such planting is carried out. The location and species type to be agreed in writing with the Local Planning Authority prior to planting. Any root balled trees shall be planted in accordance with standard arboricultural practices as set out in British Standard BS 8545: 2014 (Transplanting Root Balled Trees). In the event that any such trees die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of the amenities of the locality.

3) The tree works for which consent is hereby granted shall not be carried out other than in full accordance with all standard arboricultural practices as set out in British Standard 3998:2010 (Tree Work).

Reason: In the interests of amenity and to protect the tree.

INFORMATIVES

1) Your attention is drawn to the provisions of the **Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.**

These make it an offence to:

- Kill or injure any protected species or wild bird,
- Damage or destroy the breeding sites and resting places (roosts) of certain animals including bats and dormice even if the species is not present.
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)

The onus is therefore on you to ascertain whether such bats, birds, other animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require undertaking a bat survey or delaying works until after the nesting season for birds.

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523. Trees which have any holes, cracks, ivy or deadwood are more likely to have roosting bats.

The nesting season for birds is between the 1st March and the 30th September. If you need to undertake works during this period you are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

2) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3) The location of the 1 no. Sycamore tree (T1) subject to CC/98/00309/TPO relates to the plan submitted with this application.

For further information on this application please contact Henry Whitby on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QN101DERL1Z00>