



TPO 9 of 2023 54 Potters Lane, Send



Scale: 1:1000



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App No: 24/T/00018

8 Wk 22/03/2024

Deadline:

Appn Type: Tree Preservation Order

Case Officer: Tim Holman

Ward: Send & Lovelace

Parish: Send

Applicant: Madgwick Developments Ltd.
Madgewick Developments
Ltd

Agent : Mr Jones
Simon Jones Associates
Ltd
The Old Post Office
Dorking Road
Tadworth
KT20 5SA

Location: Pembroke House, 54 Potters Lane, Send, Woking, GU23 7AL

Proposal: T18 (Norway maple) - Fell to ground level. TPO No. 9 of 2023.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because more than 10 letters of objection have been received, contrary to the Officer's recommendation.

Key information

The application relates to 1No. Norway Maple located on the frontage of the property, 54 Pembroke House, Send Hill. The tree is afforded protection by way of the provisional TPO 9 of 2023.

Summary of considerations and constraints

The Norway Maple is not a good example of the species. It has an asymmetric crown and leans over the public highway. The tree has been 'ring-barked' approximately 30cm above ground level which will impact the tree's vascular system and will ultimately lead to the decline and death of the tree, rendering it a health and safety concern.

RECOMMENDATION:

Tree Works Approved With Conditions - subject to the following conditions:-

1. The tree works hereby consented must be completed within two years of the date of this permission and shall be carried out in accordance with the approved details.

Reason: To ensure the tree works are carried out within a reasonable timescale, taking into account the current health and condition of the tree(s) and their circumstances.

2. The tree works shall be carried out in accordance with the British Standard 3998:2010 Tree Work - Recommendations.

Reason: To ensure the tree works are carried out to an appropriate standard.

3. Details of replacement tree planting (including quantity, species, position, size and a time frame for completion) must be submitted and approved prior to commencement of tree works. Tree planting must take place as soon as possible after the tree removal and no later than the start of the following planting season (October - April). Planting must be in accordance with BS: 8545 Trees: from nursery to independence in the landscape.

Reason: To conserve the character of the locality.

4. For a period of no less than 10 years after planting, replacement trees which are removed, die or become seriously damaged shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved.

Reason: To conserve the character of the locality.

Informatives:

1. All works hereby approved should be carried out by a suitably qualified and insured tree surgeon. A copy of the decision notice should be given to the Tree Surgeon.
2. Deadwood may be removed at any time without an application.
3. Please be advised that the Wildlife and Countryside Act 1981 as amended, the Countryside and Rights of Way Act 2000 and The Conservation of Habitats and Species Regulations 2017 protect ALL wild birds, their nests (whether in use or being built) and eggs and other wild animals including bats and their roosts in or adjacent to trees.

Officer's Report

Site description.

The tree which is subject to this application is a semi-mature Norway Maple (T18), located on the frontage of the property, 54 Pembroke House, Potters Lane, Send Hill.

The tree is approximately 17 metres in height with a trunk diameter of 345mm, with and a crown spread to the North of 4m, East 7m, South 3m and West 0.5m

The canopy of the tree is asymmetric and offset from the base of the tree and leans

over the public highway.

Approximately 30cm above ground level the main stem of the tree has been mechanically 'ring-barked'. This is a deep cut around the full circumference of the tree that penetrates through the outer protective bark layer and into the cambium layer below. Significant, further bark stripping has also occurred and is likely to be attributed to rabbits and deer.

Proposal.

T18 (Norway maple) - Fell to ground level. The tree is currently afforded Tree Preservation Order protection by way of the provisional TPO No. 9 of 2023.

Relevant planning history.

The Area TPO designation protects all tree species (both conifer and broadleaf) that were present within the curtilage of 54 Pembroke House when the Order was made and served on 15th November 2023. The Provisional Order will expire after 15th May 2024. Prior to this date the Local Planning Authority (LPA) will decide whether to confirm with or without modification of this Order.

The TPO was made following concern raised by both local residents and ward members to tree felling activities that were taking place within the extensive grounds of the property.

Consultations.

Parish Council - No comments received from Send Parish Council.

Third party comments:

Eleven letters of representation have been received raising the following objections and concerns:

- No need to fell tree until it poses a threat. The Schedule of Works states 'damage on the tree may not be sufficient to completely sever its phloem.'
- Limited hazard - no pavement, cars parked under tree
- Disagree that removal will have limited effect on character of the area - a

number of trees overhanging road.

- Removal of T18 will facilitate access to the site as other trees were felled in the locality.
- If felling is approved it will encourage developers to apply for further tree removal.
- Deliberate damage to tree.
- Climate concerns with tree felling.
- Loss of habitat.
- A number of trees previously removed.

One letter of support for the application was received.

Planning considerations.

When deciding an application for works under a TPO, local authorities are advised to:

- assess the amenity value of the tree(s) or woodland and the likely impact of the proposal on the amenity of the area;
- consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
- consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
- consider whether any requirements apply in regard to protected species.

In general terms, it follows that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed to justify consent being granted. However, if the amenity value of the tree/s is low and the impact is likely to be negligible, it may be appropriate to grant consent even if there is no particular arboricultural need for the work.

The Norway Maple (T18), is a semi-mature specimen, visible from the public realm. It is afforded TPO protection by virtue of the Area Order protecting all species

present at the time the Order was made and served on the landowner.

Individually, the tree would not be a suitable candidate for protection. It is a poor example of the species, with poor crown structure, poor form, and a limited retention span.

Prior to the serving of the TPO, the landowner had a team of tree surgeons engaged in tree felling across the site. It is understood that T18 was proposed to be removed, but removal was halted due to it overhanging the highway, and following the serving of the TPO, never completed.

There is both mechanical damage and animal damage around the base of the tree. As described in the site description, the tree has been 'ring-barked' and subsequent animal damage has occurred with considerable bark stripping. Although the tree may not die immediately, particularly if the phloem transport tissue has not been completely severed by the 'ring-barking', its long-term retention is now highly limited and it presents a health and safety concern adjacent to the public highway. Damage to the vascular system of a tree, interrupts and stops both the internal transportation of water and nutrients, and will result in the eventual death of the tree.

The wounding at the base will also leave the tree more susceptible to wood decay fungal attack. Norway Maple are prone to fail due to trunk decay and branch failure.

There is no evidence that the mechanical damage occurred after the TPO was served.

If consent was not granted for the removal of the tree it would be highly likely that an inspection of trees adjacent to the public highway by Surrey County Council Highways, would identify this tree as a significant hazard and serve a Section 154 Notice on the landowner requiring immediate remedial action.

The removal of this one tree will not significantly impact the overall sylvan character of the locality. No loss or damage is likely to be incurred as a result of the works being granted consent.

It is important that the relevant wildlife protection is observed and informatives to this effect can be attached to the consent.

Conclusion.

It is recommended that consent to the felling of the Norway Maple, for the reasons stated above, be granted subject to conditions. The removal will ensure the health and safety of users of the public highway. This recommendation is subject to conditions which will include the planting of a replacement specimen.