

APPLICATION NO	PA/2009/0098
APPLICANT	Mr S Clapson
DEVELOPMENT	Consent to fell two sycamore trees covered by Tree Preservation (Caistor Road, Barton-upon-Humber) Order 2002
LOCATION	18 Nightingale Close, Barton-upon-Humber
PARISH	BARTON-UPON-HUMBER
WARD	Barton-upon-Humber
SUMMARY RECOMMENDATION	Refuse consent
REASONS FOR REFERENCE TO COMMITTEE	Applicant request to address the committee
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy LC12 (Protection of Trees, Woodland and Hedgerows) states particular regard will be given to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built-up areas.</p> <p>Policy DS1 relates to general requirements to be taken into account on all applications, including the need to protect features of conservation interest, including trees and woodland the subject of tree preservation orders.</p>
CONSULTATIONS	Highways: No objection.
TOWN COUNCIL	The town council do not object to the proposal, however they comment that the trees are close to housing and this should have been considered at the planning stage of the development.
PUBLICITY	Neighbouring properties have been notified and a site notice posted. One letter of objection has been received raising the concern that loss of the trees would reduce the privacy currently afforded to properties on Caistor Road, opposite Nightingale Close.
ASSESSMENT	This is an application to fell two mature sycamore trees, protected by Tree Preservation (Caistor Road, Barton-

upon-Humber) Order 2002, on the grounds that the trees might break or fail.

The trees are located in the grounds of 18 Nightingale Close, Barton and are on the south-western side towards Caistor Road.

The main issue in the determination of this application is whether the trees are in such a condition that they are likely to break or fail.

The applicant submitted a tree report addressing the condition and health of the trees (Comment and Recommendations at Appendix 1) and included recommendations for their future management. That report makes several descriptive comments about the condition of the trees and, based upon those comments, recommends both trees be felled. However those comments do not lead to or support the recommendation to fell the trees.

Following a request by the applicant, on 13 Feb 2009 the council's tree officer carried out a visual inspection of the trees. In comparison to the submitted report it was noted that:

- tree S1 has perhaps a 10 degree lean, substantially less than the reported 30 degrees. There is no evidence of movement or damage to the root-plate so this lean is no cause for concern in itself and may be a normal growth response to light;
- branches on the lower half of the tree have been removed but this is insignificant to the tree as a whole and the tree appears to be growing normally;
- evidence of buttressing at the base of the stem is a normal growth response by a tree and ensures a uniform distribution of support;
- the bark shedding noted on tree S2 is normal for sycamore and a number of other tree species. That noted on these sycamores appears no different to others;
- wounds are present on both S1 and S2 where branches have been removed, perhaps by poor work in the past. However there is no evidence of decay or fungal growth which might affect the structural integrity of the tree. Therefore it would not normally be

concluded from these wounds that the trees are unsafe;

- overall the trees appear in good health and structural condition.

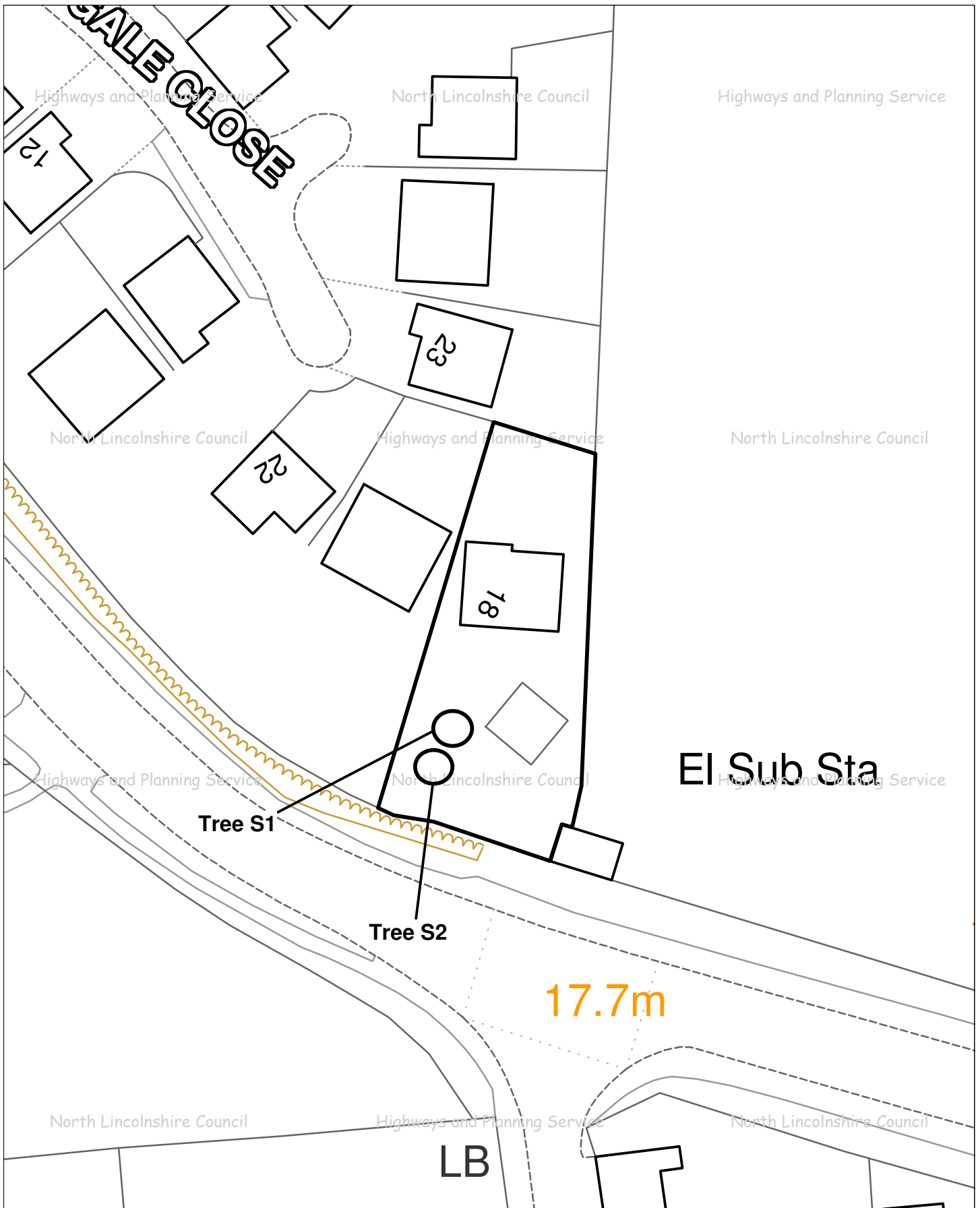
To ensure a proportionate response to the fear of harm, evidence is required to substantiate the recommendation to fell the trees. In this case that evidence has not been provided.

Whilst the council's tree officer is mindful of the nearby domestic properties and the public highway and footway, the removal of every tree which might conceivably fall on someone or someone's property is the only way of ensuring absolute safety. Such an approach would detract from the immense contribution trees make to our environment, society and economy.

RECOMMENDATION

Refuse consent for the following reasons:

No evidence has been provided which would indicate that the trees are in a poor structural condition and might break or fail, such that the safety of people and property is at an unacceptable risk. In the opinion of the local planning authority there is therefore no justification to fell the two trees and the proposed works are contrary to the provisions of policy DS1(vi) of the North Lincolnshire Local Plan.



Drawing Title: 2009/0098

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NORTH LINCOLNSHIRE COUNCIL 0100023560 2009



Highways and Planning Service

Service Director,
G Pople

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COMMENTS	RECOMMENDATIONS
<p>S1. This tree is a mature tree with a 30-degree lean to the NW, towards the neighbours' house at 20 Nightingale Close. At approximately 15 metres the tree is starting to compensate for the lean by growing towards the opposite direction.</p> <p>All the branches on the bottom half of the tree have been removed and there are none left. The crown begins at 10 metres. As the small crown area is high up the main stem there is a further distance for the food to travel down. Therefore the base of the tree will put on less radial increment making the tree unbalanced and top heavy.</p> <p>There is a large amount of buttressing around the base. There is stronger evidence of this on the NW side as the bark is missing. There are also signs of previous epicormic growth at the base of the North side, which have been removed.</p> <p>There is a bulge at 1 metre in height on the NW side where extra wood has been laid down. This would most likely be to even the stress load due to the lean of the tree. The bulge continues round at a lesser degree to the NW side of the tree.</p> <p>On the NE side there is a small cavity at the base measuring 10cm x 15cm and 10cm deep. There has been a build up of soil within this pocket. The bark is damp and soft and turning light brown, a sign that its starting to rot. This cavity will continue to fill with debris and further rotting will occur.</p> <p>There are previous pruning wounds present on the North facing side at 4 metres, which has callused over to a point leaving 5cm x 5cm hole. This has created an entry point for pests and disease.</p> <p>Previous pruning cuts at 6, 7 and 8.5 metres are evident all with pruning tears on the underside. The wound at 8.5m has a cavity with rot inside.</p> <p>Several pegs at 10 metres have not been cut to BS and are starting to</p>	<p>I recommend that this tree be to be removed. If the tree is to be kept then it would need to be reduced, but I think it would put the tree under too much stress. Especially as it has no limbs below 10 metres.</p>

No responsibility is accepted by Lincolnshire Tree Services Ltd for structural damage caused by the trees inspected at the property. The information provided in this document was true to the best of my knowledge on the day of inspection.

<p>die back. A small amount of deadwood in the lower crown is also present.</p> <p>On the main stem, the bark is peeling at 10 metres.</p>	
<p>S2. At 1 metre high on the South facing side, the tree is showing a wound where the bark is missing. It is exposing deadwood and is starting to show signs of decay (woodworm), it is hollow sounding on exposed deadwood and above.</p> <p>At 2.5 metres on the South facing side, there are five stumps from previous pruning cuts. Adjacent to the stumps at 2.5 metres on the East side there is a cavity 15 – 20cm in diameter. The cavity is rotten inside, hollow sounding to 0.5 metres down the main stem, and has soft rotten bark underneath the cavity.</p> <p>At 5 metres on the SW facing side, there are two cavities both 5cm in diameter. At 6 metres on the same side there is a snapped out branch leaving a deadwood peg.</p> <p>The branches are mainly on the SE side of the tree, which is over hanging the road.</p> <p>At 2 metres high on the North facing side, the tree is exposing a cavity 5 x 2 metre. The wood bark around it is soft and peeling.</p> <p>At 10 metres on the NE facing side, there is a cavity from a snapped out branch leaving a 30-40cm long deadwood within. The roots below the wound will suffer because the branch, which has been torn out, is no longer feeding them.</p>	<p>This tree is in poor physiological condition. This evidence of bad health is evident in the bark peeling all around the main stem. The tree is in a state of decline and doesn't have many contributing years left. Because of the location next to a main road and public footpath, and the close vicinity of three residential houses I recommend that the tree be removed.</p>

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