

Decision Notice

Date of Decision: 21 December 2018

Royal Borough of Kingston upon Thames
Guildhall 2
Kingston upon Thames
KT1 1EU

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Address: STREET RECORD, FITZGEORGE AVENUE, NEW MALDEN

Proposal: Works to 35 trees as per submitted schedule of works covering trees on the Coombe House Estate (Burghley Avenue, The Fairway, Neville Avenue, Warren Rise and Fitzgeorge Avenue);

T.6 Oak – Crown lift to 4m over road, prune to provide 1m telephone wire clearance & remove epicormic growth and deadwood.

T.8 Box Elder – Fell (Decay).

T.9 Oak – Crown lift to 4m over road.

T.10 Silver Birch – Prune to provide 1m clearance from lamp column.

T.11 Purple Plum – Fell (Decay).

T.12 Oak – 2m Lateral reduction over road, crown lift to 4m over road & remove epicormic growth and deadwood.

T.13 Silver Birch – Aerial Inspection of cavities (Possibly fell).

T.14 Sycamore – Deadwood.

T.15 Sycamore – Fell (Diseased).

T.22 Sycamore – 3m Crown reduction to rebalance & deadwood.

T.23 Sycamore – Crown lift to 4m over road.

T.24 Robinia – Fell (Diseased).

T.25 robinia – Fell (Structurally compromised).

T.27 Sweet Chestnut – Lateral reduction to provide 1m clearance from building.

T.38 Yew – Crown lift to 4m over road.

T.39 Yew – Crown lift to 4m over road.

T.42 Sycamore – 3m Holistic crown reduction, deadwood & 15% crown thin.

T.43 Sycamore – 15% Crown thin & deadwood.

T.44 Sycamore – 15% Crown thin & deadwood.

T.47 Fir – Fell (Terminal decline).

T.48 Cypress – Fell (Structural Damage).

T.49 Sycamore – Remove epicormic growth & deadwood.

T.50 Cypress – Fell (Dead).

T.55 Red Maple – Fell (Lightning damage).

T.56 Ash – Crown lift all growth to 4m from ground level & prune to provide 1m clearance from property.

T.57 Red Maple – Deadwood.

- T.58 Yew – Deadwood.
- T.60 Purple Beech – Deadwood.
- T.61 Sycamore – Deadwood.
- T.63 Yew – Deadwood.
- T.64 Sweet Chestnut – Deadwood.
- T.65 Sycamore – 2m Holistic crown reduction & deadwood.
- T.67 Sycamore – Deadwood.
- T.66 Sycamore – Deadwood.

I refer to your application received 22/10/2018. Under the provisions of Part VIII of the Act, the Council hereby **GRANTS PERMISSION** for the above tree works subject to the following conditions:

Conditions:

1. The works shall not exceed the amounts as described in the above proposal.
Reason: In order to maintain tree health and appearance.
2. The works shall be completed by a qualified Arboriculturalist/Tree Surgeon in accordance with BS:3998 2010 to ensure that the works are carried out in accordance with good arboricultural practice.
3. Under the provisions of Section 206/213 of the Act, the owner of the land upon which the above tree(s) are to be removed, is under a duty to plant one replacement tree of appropriate size and specie, per tree under TPO removed according to the above list. These should be planted as close to the original tree(s) as possible unless agreed otherwise with the Council Tree Officer. The replacement trees should be planted within the first planting season (Oct 1st - Apr 30th) following the proposed removals.
4. The size of each tree shall be a standard with a height of 2.50 metres, a minimum stem height of 1.75 metres and a girth of 8-10cms to conform with BS: 3936 Part1 (1992).
5. Any replacement trees which within a period of five years from planting are removed, die or become seriously damaged/diseased, shall be replaced within the next planting season (Oct 1st - Apr 30th) with trees of similar amenity value.

Any replacement planting should be carried out with due consideration for overhead and underground services, property boundaries, buildings and potential maintenance. The eventual size of a specimen and the nature of its rooting structure should also be taken into account when choosing where to plant, in order to achieve the best result for your site.

The following will be suitable replacement species:

- (a) Dutch Manchurian Cherry (*Prunus maackii* 'Amber Beauty') to replace T.8
- (b) Sargent's Cherry (*Prunus sargentii*) to replace T.11
- (c) English Yew (*Taxus baccata*) to replace T.15
- (d) Wild Cherry (*Prunus avium*) to replace T.24
- (e) Persian Ironwood (*Parrotia persica*) to replace T.25
- (f) Wild Serice Tree (*Sorbus torminalis*) to replace T.47
- (g) Handkerchief Tree (*Davidia involucreta*) to replace T.55

I have to warn you that if the above specified replacements are not planted by the end of the first planting season (Oct 1st-Apr 30th) following the proposed removals, this matter will be referred to the appropriate committee and authority sought for the service of a notice under section 207 of the Town & Country Planning Act 1990 (As Amended). However, I trust that such action will not be necessary and I look forward to receiving your full co-operation in this matter. **Please ensure that you inform the Tree Officer at ben.morgan@kingston.gov.uk once the replanting has taken place.**

In the instance that your application includes any works to Oak trees, you must notify the Forestry Commission prior to commencing. Notification should be made to the following e-mail address or telephone number and should include address and contact details:

**E-mail: andrew.hoppit@forestry.gsi.gov.uk
Direct Line: 07884 234725**

This will allow the Forestry Commission to ascertain the potential for infection by Oak Processionary Moth based upon up to date survey information and provide guidance accordingly.

Informatives:

1. The works should be completed in accordance with BS:3998 2010 and be carried out by a qualified Arboriculturalist / Tree Surgeon.
2. You are advised that by law your notification remains valid for two years from the date of this letter. If the above works have not been completed within this time period, you must re-notify this Council should you wish to undertake the works.
3. This letter is in respect of the Tree Preservation Order legislation only and it does not imply that consent would be forthcoming from the owner of the tree or any such other persons from whom consent would be required.
4. It is an offence to intentionally damage, destroy or obstruct a place which a bat uses for shelter or protection (Schedule 5 wildlife and Countryside Act 1981). It is an offence to intentionally disturb a bird while it is building a nest or is in, on or near a nest containing eggs or young (Schedule 1 Wildlife and Countryside Act 1981). The Countryside and Rights of Way Act 2000 creates an additional offence of recklessly disturbing or damaging bat roosts and / or recklessly disturbing bird nests. For further information on bats contact the Bat Conservation Trust on 0845 1300 228 and for birds contact the Royal Society for the Protection of Birds on 01767 693690.

If the Applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposal or to grant permission subject to conditions, they may, by notice served within 28 days of the date of this notice, appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 (As Amended). The Secretary of State has discretion to allow a longer period in particular cases but will only do so if there is good reason for the delay. The Secretary of State is not, however, required to entertain such an appeal if it appears to them that permission for the proposal could not have been granted by the local planning authority, or could not have been granted otherwise than subject to the conditions imposed by them, having regard to the provisions of Section 70 of the Act and of the Development Order and to any directions given under the Order.

Forms are available from the The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>

The planning Inspectorate has introduced an online appeals service which you can use to make your appeals online. You can find the service through the Appeals section of the Planning Portal: <https://www.gov.uk/appeal-planning-decision>.

The Inspectorate will publish details of your appeal on the internet within the Appeals section of the Planning Portal.

This may include a copy of the original planning application form and relevant supporting documents supplied to the Local Authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.