

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

REF NO: AW/104/17/T

LOCATION: Kingsmead
43 Kingsway
Aldwick

PROPOSAL: Fell 1 No. Sycamore tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at Kingsmead, 43 Kingsway, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/78/07/T	30% crown reduction & deadwood removal of 1 x Sycamore	Refused 11-05-2007
AW/236/10/T	30% reduction of crown side adjacent to property and 30% reduction in height of one Sycamore tree to re balance crown.	ApproveConditionally 29-11-2010
BR/91/72/T	Felling of 26 small lime trees	Approve 27-03-1972

Relevant planning history noted.

REPRESENTATIONS

Representations received:

No comments received from Parish Council.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

Sycamore Acer pseudoplatanus Height: 16m Avge Sprd: 8m Age: Mature

- I inspected this tree and probed the significant cavity opening on the southwest face of the trunk at approximately 1m above ground.
- The wound extends a little up and downwards from the open wound but the most worrying aspect is that I lost the auger easily through soft tissue to three quarters of the diameter of the trunk at this point.
- The trunk also leans very heavily northeast towards the adjacent property and at around 2m agl there is a very large diameter subsidiary limb which adds to the 'weight pull' in this direction and applies pressure onto the weak union and the cavity below that.

Conclusions:

- This tree has a large cavity in the main trunk with an advanced state of decay and it would not be wise to retain it on safety grounds.
- There is not a viable pruning option to cater for or correct these problems.

Recommendations:

- I recommend APPROVAL of this application seeking the removal of this tree - as there are safety grounds justifying this course of action.
- In this instance I will not be seeking a replacement planting as there are others large trees nearby in the garden and also a large off-site TPO'd Oak in the adjacent garden which will benefit from this trees removal and will fill in the gap.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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

It is recommended that consent be granted.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE

- 1 **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.
- 2 **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.