

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

REF NO: AW/118/21/T

LOCATION: 14 Margaret Close
Aldwick
PO21 3AA

PROPOSAL: Fell 1 No. Sycamore tree and replace with Sycamore or Silver Birch

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 14 Margaret Close.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/88/17/T	Hornbeams (T1-T7) - - Reduce height of trees overall by a maximum of 2m. - Crown lift on the north side ONLY to achieve a ground clearance of 4m. - Any lateral branches that remain on the north side are to be shortened back to achieve a 1m clearance from the garage and house.	Approve 12-06-17
AW/358/16/T	Fell to ground level & replace 5 No. Hornbeam trees, 2m & 3.5m crown reduction to 2 No. Hornbeam trees.	Refused 17-02-17
AW/355/16/T	Fell 8No. Hornbeam trees.	Withdrawn 16-01-17
AW/262/16/T	Fell 8 No. Hornbeam trees, fell 1 No. Holly tree & reduce northern sector on lower branches over house by 1.5-2m to 1 No. Beech tree.	Withdrawn 27-09-16

Relevant planning history noted.

REPRESENTATIONS

Objection from Parish Council stating "Members strongly objected to the application because the tree is not diseased and could be managed with good husbandry."

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

This tree appears to be in a fine physiological state. It has two distinct stems (possibly two separate trees) which further sub-divide and support a broad, shared crown profile. The upper crown of this tree is visible from surrounding properties although only with difficulty from estate access road and other publicly accessible land.

The applicant has employed D. D. Bentley Tree Services to assess the tree and provide a report on its condition. I generally concur with the findings therein. The tree grows close to the boundary fence line such that it will inevitably exert direct physical pressure, enough to distort and crack the light concrete fixtures. It has high growth potential. No damage to the neighbouring building superstructure has been reported.

Conclusion:

There will be a small loss of public/visual amenity on completion of the proposed works, but this is outweighed by the long-term potential for nuisance (and progressive risk of damage to property) arising from the tree's uninhibited growth. Crown reduction pruning is not considered to be an effective control measure with a tree of this size, growth potential and proximity to dwelling.

The loss of so much tree canopy from the landscape is unfortunate and should be compensated for with an appropriate replacement planting and at a distance more harmonious with its surroundings.

Recommendation:

I recommend CONSENT for this application, subject to the following condition:

Condition to Be Applied to Approved Work: -

Once the tree has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same place or nearby and to within 5metres.

This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads.

It is to be planted within 12 months of the removal of the sycamore tree.

The species shall be selected from the following: -

Field maple *Acer campestre*

Hornbeam *Carpinus betulus*

Silver or Downy birch *Betula pendula/pubescens*

Reasons: To accord with current industry guidelines and sound arboricultural practice in general.

Advisory:

We are obliged to advise that where trees are situated on land not owned by the applicant the granting of

consent by this authority does not by association give permission to undertake such works that require access onto/from that land. Nor does it permit any work to take place beyond the boundary of the applicant's property. Additional permission must first be obtained from the land/tree owner.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the tree officer, it is recommended consent be approved (granted), subject to the following conditions and informatives.

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

Duty under the Equalities Act 2010

In assessing this proposal the following 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).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

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Field maple *Acer campestre*

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Reasons: To accord with current industry guidelines and sound arboricultural practice in general.

- 2 INFORMATIVE: We are obliged to advise that where trees are situated on land not owned by the applicant the granting of consent by this authority does not by association give permission to undertake such works that require access onto/from that land. Nor does it permit any work to take place beyond the boundary of the applicant's property. Additional permission must first be obtained from the land/tree owner.
- 3 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.
- 4 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 0345 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.