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

REF NO: **AW/171/17/T**

LOCATION: 9 Ripon Gardens
Aldwick

PROPOSAL: Fell 1 No. Quercus (Oak), Fell 1 No. Acer (Sycamore) & replace with a Field Maple & Fell a mixed conifer hedge to replace with native Beech & Copper Beech.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 9 Ripon Gardens, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

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 -
- T1 Pedunculate Oak Quercus robur Height: 18m Avge Spread: 4m Age: EarlyMature
- T2 Sycamore Acer pseudoplatanus Height: 8m Avge Spread: 2.5m Age: Young

Grp 1 Golden Conifers Chamaecyparis spp. Height: 4 to 5m Avge Spread: 1m Age: Young

- The Sycamore and the Conifer hedge are sound and healthy but the Oak is suppressed with low crown density and dieback and a basal cavity.

Conclusions
- The Oak is undermined by decay and showing the results of this in its low density crown.
- The Sycamore has minor damage on its trunk due to a constricting washing line (now removed) but this is not a significant issue - however it will in time grow into a very large tree at

this location and cause problems with light restriction and 'aphid drip' in a small back garden.
- The Golden conifers are only young and in time if not regularly lopped and topped will dominate the front garden and cause significant light restriction problems.

Recommendations:
- I recommend APPROVAL of all of the works as described in the application - namely the removal of the two trees and the hedge.
- There will be a requirement to replace the Sycamore close to the same location with a standard sized Field Maple.
- There will not be a requirement to replace the Oak because off site tree will dominate it and there is no chance of a successful establishment.
- There will be a requirement to replace the conifer hedge with either feathered Beech or Hornbeams to form a new hedge.

Conditions To Be Applied:
- Once the Sycamore tree has been removed in a safe and controlled manner and the stump and primary root runs ground or grubbed out a replacement tree is to be planted nearby.
- This is to be of Standard Nursery Stock size - a tree of 8ft to 10ft in height and 8cm to 10cm in circumference staked and tied on a short staking system planted within 12 months of the original trees removal.
It is to be of the following species:-

Field Maple - Acer campestre'

Advisory :
Bare root trees can only be planted between October and the end of March the following year but containerised stock can be planted at any time of year but may require more watering in than bare root stock.

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	National Planning Policy Framework
NPPG	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 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

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 CONDITIONALLY

1 - Once the Sycamore tree has been removed in a safe and controlled manner and the stump and primary root runs ground or grubbed out a replacement tree is to be planted nearby.

- This is to be of Standard Nursery Stock size - a tree of 8ft to 10ft in height and 8cm to 10cm in circumference staked and tied on a short staking system planted within 12 months of the original trees removal.

- It is to be of the following species:-

Field Maple - Acer campestre

Reason: In the interests of the visual amenity of the area in accordance with the NPPF.

2 Advisory :
Bare root trees can only be planted between October and the end of March the following year but containerised stock can be planted at any time of year but may require more watering in than bare root stock.

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 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.