

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

REF NO: **AW/180/15/T**

LOCATION: 31 Tangmere Gardens
 Aldwick

PROPOSAL: Fell 1No. Oak tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	205.9m2
TOPOGRAPHY	Predominantly flat
TREES	Other oak trees fall into a line between the properties including the oak under consideration in this application.
BOUNDARY TREATMENT	Line of trees stated above and 1.8m boundary fence.
SITE CHARACTERISTICS	End of terrace two storey property with rear side and front garden.
CHARACTER OF LOCALITY	Suburban formed of mixed style two storey detached and terrace properties.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Objection - trees not unhealthy, pruning would represent good husbandry.

Comments on Representations received:

Comments noted. See comments from Arboricultural officer

CONSULTATIONS

Arboriculturist

Consultations responses received:

ARBORIST

Comments:

· The tree cited in this application is standing on the eastern boundary of 31 Tangmere gardens. T1 can be seen from the highway Tangmere Gardens. T1 is subject to an active TPO order.

· I have visited this site multiple times over this year (2015), as T1 is gradually heaving over towards the east. This is very apparent from the evident movement that is undergone around the basal area (this is especially clear as a large garden slab has been lifted by at least 100 mm). There is also evidence of heave present in the soil.

Recommendation:

· I would have no objection to the felling of T1, as it clearly has significant heave present.

Conditions:

· As the tree outlined in this application is covered by an active TPO, there will be a requirement to replant with a suitable replacement.

- Be planted at least 15 meters from the original
- Be at least a semi-standard in size when planted
- Be at least 1 specimen

The replacement should be of the following species selection;

English Oak *Quercus robur*
Common hornbeam *Carpinus betulus*
Field Maple *Acer campestre*
Sweet chestnut *castanea sativa*

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Classification:-

Tree Preservation Order (Oak Tree)

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

The Council's Arborist has been consulted on the application and has confirmed that as the tree has significant heave present and may fall over, he has no objection to the felling. However, he has recommended a replacement tree is planted and specified attributes the replacement should have.

It is considered acceptable to recommend the application as no objection with attached condition to ensure a replacement tree is planted. The attributes recommended by the Arborist will be included in this condition.

As such the felling is considered acceptable and will not detrimentally effect the visual amenity of the area should a suitable replacement tree be planted.

RECOMMENDATION

APPROVE

- 1 The applicant shall during the next planting season following the felling of the TPO tree, the subject of this application, plant a replacement tree which should have these attributes:-

1. Be planted at least 10 meters from the original
2. Be a standard/semi-standard in size
3. Required species would include;
 - English Oak *Quercus robur*
 - Common hornbeam *Carpinus betulus*
 - Field Maple *Acer campestre*
 - Sweet chestnut *castanea sativa*

Once planted the details of the replacement tree must be supplied to the Council in writing.

Reason: To retain trees in the interests of the environment of the locality.

- 2 **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.

- 3 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.