

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

REF NO: AW/190/20/T

LOCATION: 2 The Spinney
Aldwick
PO21 3RL

PROPOSAL: Fell 1 No. Holm Oak

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located in the grounds of 2 The Spinney.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/193/17/T	Fell 1 No. Holm Oak & replace. Height reduction by 1.5m and then reduce the lateral branches to varying degrees (to be specified by the tree surgeon) depending on the length and condition to 1No. Holm Oak.	Approve 13-09-17
AW/18/16/T	Fell 4No. Acers	ApproveConditionally 18-03-16
AW/62/14/T	2 Holm Oaks- Crown lift to 2.5 m all around the crowns in a balanced manner & Crown reduce and reshape overall by 1 m in height and up to 2 m reduction of lateral spread. 3 Acers - Crown reduce and reshape overall by 1 m in height and up to 2 m reduction of lateral spread.	ApproveConditionally 14-04-14
AW/125/08/T	Crown reduction to two Holm Oak trees	ApproveConditionally 16-07-08

Relevant site history noted.

REPRESENTATIONS

No objection.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Holm oak / Quercus ilex Height: 5-10m Radial spread: 0-5m Age class: Early mature

Outwardly and from a distance it appears to be in a fine physiological state.

It has been the subject of heavy pruning over many years resulting in a dense, compact crown. Due to its truncated form, it is discreet within the rear garden - visible only in part from adjacent properties and with difficulty from publicly accessible land.

· It probably once was an important constituent of the high canopy locally which help(ed) define the character of the area and represent a significant public amenity, although it had inevitably come under 'pressure to prune' following unsympathetic development.

Conclusions:

· There will be no significant loss of public amenity on completion of the proposed works, although it represents an unfortunate loss of crown volume.

· This tree has the potential to develop a heavy and congested limb/branch framework if allowed to grow unchecked, such that it may suffer partial failure of the same, long before it reached full maturity. Repeat 'crown reduction' work would frequently be required, bringing into question the value of retaining such a specimen in this context at the expense of replacing with a more appropriate and beneficial tree type.

· Approval of this application carries a duty to secure a replacement to the satisfaction of the Local Planning Authority and it is pleasing to note the applicant's stated intention to do so.

· I have recently been advised of a history of honey fungus (Armillaria spp.) in the locality and I have taken this into account within my recommendation for replacement tree types. Birch trees are known to be susceptible to infection.

Recommendations:

· I recommend CONSENT for this application, subject to the following conditions

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments of the tree officer it is recommended the application be granted consent 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

- 1 · 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 4m.

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 holm oak tree.

The species shall be selected from the following:-

Alder *Alnus incana* (and its cultivars).

Strawberry tree *Arbutus unedo* or comparable species

Turkish hazel *Corylus colurna*

Olive *Olea europaea*

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

- 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.