

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

REF NO: **AW/235/14/T**

LOCATION: 229 Manor Way
 Aldwick

PROPOSAL: Fell 1 No prunus tree in front garden.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	Predominantly flat.
TREES	The tree is part of a line of similar species positioned along the front boundary of the site.
BOUNDARY TREATMENT	Low flint wall and timber palisade fencing to the front.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow dwelling which is set back from the road with hard surfaced parking and various mature landscaping to the front.
CHARACTER OF LOCALITY	The site is located within a Conservation Area which is characterised by low density residential development consisting of buildings of a variety of designs and scales which are generally set back from the road with mature landscaping and grass verging to frontages combining to generate a verdant, semi-rural character and appearance.

RELEVANT SITE HISTORY

AW/273/05/T	Application to thin out 3no. Prunus trees	ApproveConditionally 09-12-2005
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REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist
Conservation Officer

Consultations responses received:

COUNCIL'S ARBORICULTURALIST:

This outlined tree is located in front garden of 229 Manor Way, Aldwick Bay. This is a private estate with a comprehensive planting regime, with individuals from a wide range of species and age classes.

This outlined tree is in poor health, with significant leaf loss in the crown which has resulted in large deadwood build ups in the crown.

From the site visit it was difficult to diagnose the issue here, but it is likely to be a bacterial infection (as there was no sign of other afflictions e.g. leaf spot, fire blight, fruiting bodies of a fungal presence etc.)

With all the outlined infections, there is very little that can be done as preventive measures to stop the spread as the offending conditions generally work on the microscopic scale.

There are however measures that can be undertaken to ensure an individual's ability to deal with any potential pathogens/conditions. This would include such actions as only pruning at correct times of the year, ensuring the individual is watered during droughts, and no level changes/excavations in the root area of said trees.

Failure to adhere to the above requirements could result in stress to an individual. This in turn increases the chances of a pathogen/condition becoming present. It is also true that removing a diseased tree can stop the further spread (if the disease is bacterial and/or fungal/phytophthora). This would only be effective if this affliction is not a condition or a site factor.

It should be noted that in this instance the outlined individual is a mature specimen. In being mature, this will decrease an individual's ability to deal with any afflictions present.

Recommendation:

I would have no objection to the felling of this tree, as it is clearly in a poor condition, and considering its age is unlikely to make a recovery from the condition it is currently in.

Conditions:

As this tree has an active TPO there will be a requirement to replant. As there is a possibility of a pathogen being present in the soil, the applicant should have the freedom to plant up to 15 meters away from the original location (especially if the replanted stock is from the prunus family).

The replacement tree should have an expected mature growth height of 4 meters. The final choice of the replanting stock would be up to the applicant. Suggested replacements would include:

1. Cornus kursa
2. Pryus Nivalis
3. Malus x purpurea

CONSERVATION AREA ADVISORY COMMITTEE:

No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance for Tree Preservation Orders and trees in conservation areas 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 tree in question is part of the mature landscaping that is prevalent within the street scene as well as the wider surrounding Conservation Area. As such, it possesses a high cumulative amenity value in defining the character and appearance of the surrounding area and permission to fell would not normally be granted for a tree with these qualities.

However, in this instance, the tree is diseased and, as such, it is recommended that it is removed and replaced with a healthy specimen. This will help guarantee the preservation of the landscaping scheme within the surrounding area in the long term. A condition will be added

requiring a replacement tree that is of a suitable species and maturity to be planted in a suitable position.

It is therefore recommended that the application is approved, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The applicant shall during the next planting season following the felling of the tree, the subject of this application, plant a replacement tree of a species and maturity and in a position approved by the Local Planning Authority and under its supervision and in the event that any such tree dies within five years following such planting shall replace it with a similar tree in a similar position during the next planting season.

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

- 2 **INFORMATIVE:** As there is a possibility of a pathogen being present in the soil, the applicant should have the freedom to plant up to 15 metres away from the original location (especially if the replanted stock is from the prunus family).

The replacement tree should have an expected mature growth height of 4 meters. The final choice of the replanting stock would be up the application Suggested replacements would include:

1. Cornus kursa
2. Prunus Nivalis
3. Malus x purpurea

- 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.