

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

REF NO: AW/237/25/T

LOCATION: 1 Craigweil Manor
Aldwick
PO21 4AP

PROPOSAL: Fell 1 No. Sycamore (T1).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located on the land in front of Craigweil Manor, Aldwick.
SITE CHARACTERISTICS	Grass verge.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/155/20/T	Crown reduction of 3 No. Sycamore TG1 to height 13m and spread (east side) 5.5m and (west side) 5m. Crown reduction of 1 No. Sycamore T2 (as with TG1) to height 15m and spread 6m.	ApproveConditionally 21-08-20
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Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No objection.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER-

For the record, T1 is a sycamore, as are group companion trees of similar age, size and pruning history. That said, it is clear from the sketch plan and photos provided, the tree which is subject of this application. The group is long- established and contributes to the verdant character of the area, although

individuals are unremarkable.

There is a clear difference between T1 and its companions in terms of shoot extension, indicative of physiological stress unique to the subject tree. Close inspection reveals a large historic wound at the base of its SW stem, colonised by the pathogenic brittle cinder fungus (*K. deusta*). There is a solitary, active fungal bracket midway between the stems, low on their north side, either *Ganoderma applanatum* or *australe*. The latter is likely, which has significant implications for tree health and structural integrity. There are outbreaks of sooty bark disease, a fungal infection usually initiated after drought induced stress. Again, this is more notable on the SW tending stem.

Conclusions:

The proposed work has been justified on arboricultural grounds.

There appears to be ample room to accommodate a replacement tree, which will be necessary given the loss of mature canopy and likely deterioration of remaining trees in the group.

Recommendation:

We grant consent for this application subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Tree Preservation Order.

Conservation Area.

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, ID 36-091-20140306 and ID 36-093-20140306 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

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, subject to the following condition and informatives. Special attention has been given to the desirability of preserving or enhancing the character or appearance of the conservation area. This proposal would preserve the character and appearance of the conservation area.

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, then a replacement tree is to be planted in the same place or nearby and to within ten metres, free from the interference of established tree canopy so that it may develop an upright and uniform crown.

This is to be of Selected 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:-

Lime, small-leaved *Tilia cordata*

Field maple *Acer campestre*

Swedish whitebeam *Sorbus intermedia*

The selected tree must be viable for long-term retention in the landscape after a period of five years from the date of this decision notice. If found to be dead, dying or considered unviable for long-term retention by the council's tree officer, it will need to be replaced to the satisfaction of the local planning authority within 12 months of that determination.

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 (as amended), 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 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.