

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

REF NO: AW/275/20/T

LOCATION: 10 Barrack Lane
Aldwick
PO21 4BZ

PROPOSAL: Fell 1 No. Silver Birch tree (T1) and grind out stump.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 10 Barrack Lane.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/177/19/DOC	Approval of details reserved by condition imposed under AW/259/18/PL relating to conditons 4-pre-commencement meeting, 6-hard surface details, 7-colour schedule of materials & finishes, 8-details of new screen walls and/or fences, 10-covered & secure cycle parking, 11-dustbin enclosure/collection point details, 12-electrical vehicle charging point, 13-decentralised, renewable or low carbon energy systems & 14-visibility splays.	DOC Approved 31-10-19
AW/259/18/PL	1 No. dwelling.	App Cond with S106 27-02-19
AW/199/18/HH	Proposed extension to study	ApproveConditionally 03-10-18
AW/332/19/T	Remove branches overhanging neighbouring garage by a maximum of 2m 1 No. Evergreen Holm Oak tree.	ApproveConditionally 08-04-20
AW/281/16/T	Reduce crown of 1 No. Holm Oak by a maximum of 2m.	ApproveConditionally 09-11-16

AW/1/06/T	Prune back growth from overhanging bough of 1 Evergreen Oak tree by 15%.	ApproveConditionally 21-02-06
AW/56/05/T	Lop 4 no. Oak trees	ApproveConditionally 11-05-05
AW/159/09/T	Fell 1 Evergreen Oak tree	ApproveConditionally 15-10-09
AW/167/14/T	Crown reduce 1 No. Holm Oak by a maximum of 2 metres and reduce side lateral branches overhanging neighbours property.	ApproveConditionally 14-08-14
AW/89/09/T	Fell 1no. Holm Oak tree & lift crown of 4no. Holm Oak trees by 3-4m (mainly epicormic growth)	

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

I have considered this application by means of a desktop review, using the information and plans submitted as well as online resources.

The applicant has employed Arun Tree Company Ltd as agent to assess the tree and provide a brief report on its condition. The tree has been confirmed dead.

Although several factors, including that beyond the reasonable control of any party have been identified as responsible for this tree's rapid decline; it should be noted that as recently as January 2019 was seen to be in good condition. The tree was a fine example of its type and efforts were made to secure its retention during recent development of the site. A Tree Preservation Order was made to secure its place in the landscape and control management thereafter.

Conclusions:

The work proposed is justified on arboricultural grounds (health and safety).

The tree was both a notable feature in the landscape and given adequate room to remain in harmony with development plans, so will need to be replaced.

Recommendations:

I recommend CONSENT for this application, subject to the following condition:

Condition to Be Applied to Approved Work: -

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 3metres.

This is to be of Standard Nursery Stock proportions (min. 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 silver birch tree.

The species selected shall be of the following type: - Silver birch *Betula pendula*

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

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 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 from the tree officer, it is recommended consent be approved (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

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

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It is to be planted within 12 months of the removal of the silver birch tree.
The species selected shall be of the following type: - Silver birch *Betula pendula*

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.