

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

REF NO: AW/315/20/T

LOCATION: 28A Kingsway
Aldwick
PO21 4DH

PROPOSAL: Fell 1No.Oak (T1) to ground level as being suppressed by neighbouring Maple (T2) and Holly (T3).
Fell 1No. Norway maple (T2) to ground level as being suppressed by (T1) and (T2)
Fell 1No. Holly (T3) to ground level as growing into (T1) and (T2) and as a group of trees making the garden look messy and over crowded.
Fell 3No. Pittosporum (T4) to ground level as structural issues within the tree are showing and as a group of shrubs they are getting overgrown.

Replanting in the zones of (T1,2&3) 1No. 2.5-3m English Oak. also replanting in the zones of (T4) 2No. 2.5-3m Silver Birch and 2No. 2.5-3m Beech.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 28A Kingsway.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/18/19/DOC	Approval of details reserved by condition imposed under ref AW/155/17/PL relating to Condition No 4 foul & surface water sewerage disposal and 5 - measures to protect existing public sewer.	DOC Approved 19-08-19
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Relevant planning history noted.

REPRESENTATIONS

Objection from Parish Council stating - the trees are amenity trees to be enjoyed by the public and because the detail in the application is sketchy and does not clearly identify the trees to ensure that important trees are left intact.

One letter of representation from local occupier stating there is insufficient detail about the application

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS
CONSULTATION RESPONSES RECEIVED:

Collectively the above trees provide a dense verdant frontage to the plot, although none individually have special merit. All enjoy statutory protection by virtue of their being established trees and within Conservation Area. T2 and T4 are also the subject of Tree Preservation Order (TPO/AW/1/16).

T1, T2 & T3 are closely spaced with subsequent asymmetric form but collectively a visually significant crown profile. All have previously been the subject of hard reduction pruning, with an abrupt truncation of their main stems and limb framework. Although they are relatively young trees and appear to have responded with vigour, they will require repeat pruning throughout their lifespan to achieve adequate structural integrity for this location.

T4 captures a group or cluster planting of Kohuhu large shrubs/small trees, one of which has been made the subject of an Order (TPO). It is not clear from my view (roadside) if it could be determined on close inspection. Nonetheless, they too appear to have been the subject of such hard reduction pruning that their useful life expectancy has been substantially compromised. They are constituents of a dense evergreen screen which also includes cherry laurel as a dominant type.

Replacement tree planting proposal is welcome although only stated in principle. No detailed planting plan has been provided. The existing legislation allows the local planning authority to demand two replacement trees by way of a condition.

Conclusions:

Reasons given for the proposed work are largely subjective and the substantial loss of trees and shrubs from the front boundary will be keenly felt, especially should construction get underway (AW/155/17/PL). No trees are worthy of additional protection by the making of a new Tree Preservation Order. Those trees which are the subject of TPO can be replaced with superior trees that provide greater landscape value in time. This may be the ideal opportunity to secure those replacements for the benefit of the wider community (public amenity).

The applicant's desire to introduce replacement trees (oak, birch and beech) will hopefully be implemented and enhance that which we can secure by condition.

Recommendation:

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

Condition to Be Applied to Approved Work: -

Once trees T2 and T4 have been felled (and either grubbed or ground out) then replacement trees are to be planted in the same place or nearby and to within 3metres, as shown on the embedded plan (Fig.1).

They are 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.

They are to be planted within 12 months of the removal of the Norway maple and Kohuhu trees.

The species shall be selected from the following: -

Silver birch *Betula pendula*, as replacement for T2

Pedunculate oak *Quercus robur*, as replacement for T4

Figure 1. Approximate position of replacement trees following removal of T2 Norway maple and T4 Kohuhu

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.
Conservation area.
Listed building.

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

- 1 Once trees T2 and T4 have been felled (and either grubbed or ground out) then replacement trees are to be planted in the same place or nearby and to within 3metres, as shown on the embedded plan (Fig.1) of one oak and four others as per the description.

They are 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.

They are to be planted within 12 months of the removal of the Norway maple and Kohuhu trees.

The species shall be: -

Two Silver birch (*Betula pendula*) and two beech, as replacement for T2

Pedunculate oak *Quercus robur*, as replacement for T4

See Figure 1 (on planning web site for this application). for approximate position of replacement trees following removal of T2 Norway maple and T4 Kohuhu.

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.