

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

REF NO: AW/327/17/T

LOCATION: 4 Ludlow Close
Aldwick
PO21 4PJ

PROPOSAL: Fell 1 No. Cherry Tree & replace with 1 No. Rowan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 4 Ludlow Close, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/149/01/T	Fell one cherry tree in rear garden and reduce & reshape one cherry tree in front garden	PP Not Required 28-08-01
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Relevant planning history noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Parish Council - No comment.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -
Wild Cherry Prunus avium Height: 3m AvgSprd: 1.5m Age: Semi-Mature

- Situated on a grassed verge at the front of the property and close to the house.
- This tree has been very heavily reduced and reshaped in the past to keep its growth potential in check.
- Roots are visible in the lawn that have been damaged by mowing actions.

Conclusions:

- This is a small tree that has suffered due to the heavy lopping works which have undermined its amenity value.
- I have no particular objection to the removal of this tree given its small stature and limited impact in the landscape.
- There are also increased benefits that would come from the planting of a Rowan in its place.

Recommendations:

- I APPROVE of the removal and replacement of this tree.

Conditions to be applied to the approved works:

- Once the Cherry tree has been removed and grubbed out then a replacement tree is to be planted 'in the same place'.
- This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short single stake' system with appropriate securing ties and pads.
- It is to be planted within 12 months of the removal of the Cherry tree.
- The species of the replacement tree is to be:-

Rowan *Sorbus aucuparia*

Reasons : To accord with current industry guidelines and sound arboricultural practice in general and to ensure continuity and enhancement of the landscape.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, the relevant conditions will be applied.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICES

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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

It is recommended that consent be 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

In assessing this proposal neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 - Once the Cherry tree has been removed and grubbed out then a replacement tree is to be planted 'in the same place'.
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Rowan Sorbus aucuparia

Reasons : To accord with current industry guidelines and sound arboricultural practice in general and to ensure continuity and enhancement of the landscape.

- 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.