

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

REF NO: AW/336/21/T

LOCATION: 33 Chawkmare Coppice
Aldwick
PO21 3SP

PROPOSAL: Fell to ground level 1 No. Norway Maple (T1)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is on the land at the rear of the property.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/247/16/T	Reduce 1 No. Lime tree & 1 No. Maple tree to previous pruning points.	ApproveConditionally 03-10-16
AW/266/06/T	Lop 2 No. trees (1 Lime and 1 Maple)	ApproveConditionally 01-12-06
AW/264/89/T	Fell one Horsechestnut Tree	ApproveConditionally 02-01-90
AW/186/89/T	Lop 4 Trees	ApproveConditionally 11-09-89

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council provided no objection and agreed the Arun Arboriculturist recommendations / decision be applied.

Nearby Occupiers provided three objections:

Questioned need for 'such extreme action' and asked if the application would be subject to an independent review.

No felling, tree surgery or lopping should be done.

Comments on objections:- the application has been reviewed by the Council's Tree Officer.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

This tree is visible in part from surrounding properties and to users of the public highway (footway and carriageway). It is one of three mature trees growing equidistant at the southern boundary of the plot.

Large areas of bark death on main stem, colonisation by pathogenic decay (*Ganoderma* sp.) and advanced dieback across one of three scaffold limbs were noted. It is an aged example of its type and appears now to be in terminal decline.

Conclusions:

The work proposed is justified on arboricultural grounds, as the tree is evidently diseased with little chance of recovery and so no longer viable for safe, long-term retention.

Some loss of visual amenity will arise following the tree's removal, although it is both intention of the applicant and can be a planning requirement - that a suitable replacement be planted.

Recommendation:

I recommend CONSENT for this application, subject to the following conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

TPO

Pagham Harbour Zone B

2km Buffer for Site of Special Scientific Interest

DEVELOPMENT PLAN POLICIES

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The tree has been inspected by the Council's Tree Officer who has no objection to the proposed works, therefore it is recommended consent be approved, 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 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 4m.

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 Norway maple tree.

The species shall be selected from the following:

Norway maple - *Acer platanoides*

Wild cherry - *Prunus avium*

Field maple - *Acer campestre*

Hornbeam - *Carpinus betulus*

Sweet Gum - *Liquidambar styraciflua*

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 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.