

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

REF NO: AW/343/19/T

LOCATION: 149 Barrack Lane
Aldwick
PO21 4ED

PROPOSAL: Fell 4 No. Sycamore trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the site of 149 Barrack Lane Aldwick
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/217/15/T	Reduce crowns of 4 No Sycamore trees by 2m.	ApproveConditionally 11-09-15
AW/75/15/T	Fell 4 no. Sycamore Trees	Refused 05-05-15
AW/6/17/T	Fell 1 No. Sycamore tree	ApproveConditionally 27-02-17

Relevant planning history noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council
No objections
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

The applicant/agent has employed arbeco The Ecology Consultancy to assess the trees and provide a report on their condition and relationship with the property. This is comprehensive and recommends a balanced set of work proposals.

- I was able to consider the report directly during my site assessment. The information contained therein appears accurate and I concur with the findings.

- No individual trees are worthy of specific comment for the purpose of reviewing this application, especially in light of the above report which I see no reason to duplicate in my response. All can be satisfactorily considered for generic comment, as follows:

- They form a linear group, the canopy profile of which represents a significant and highly visible feature of interest, especially when in leaf.

- While they appear outwardly healthy and stable from the adjacent highway, they are of only moderate or low value due to erratic form and/or cumulative defects. There is a recent history of crown reduction pruning.

- Despite their physiological and structural impediments, they retain high growth potential. Of particular concern is their proximity to the high flint boundary wall and limited room for main stem/buttruss root expansion.

Conclusions:

· The work proposed is justified on arboricultural grounds. While I am not a structural engineer, the listed boundary wall displays evidence of repair to numerous and significant vertical cracks - the vast majority of which are closely associated with the existing tree group. It seems reasonable to conclude that on 'balance of probability' further damage would occur if these trees are retained, irrespective of any regular containment pruning. On that basis, I do not feel it is necessary for the applicant/agent to submit a further report from a structural engineer or other appropriate expert in support of their proposals.

· Due to the limited area of unmade ground nearby which could support the growth of suitable replacement trees, I am unable to recommend a condition is attached to any decision notice to secure the same. The loss of these trees may be keenly felt locally and so I am encouraged by the ecologist's report which supports appropriate replacement planting in principle and hope that whatever scheme is initiated can eventually provide some public amenity.

Recommendations:

· I recommend CONSENT for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary
Tree Preservation Order

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

CONCLUSIONS

Following the comments from the Tree Officer, 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

- 1 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.
- 2 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.