

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

REF NO: AW/41/26/T

LOCATION: 25 Wychwood Close
Aldwick
PO21 4DW

PROPOSAL: Fell 1 No. English Oak (T3), fell 1 No. Silver birch (T5), fell 7 No. Sycamore trees (G7).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees stand within the grounds of 25 Wychwood Close.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/32/17/T	Reduce crown height by a maximum of 2m making no cuts of 75mm diameter or over and not below the height of the previous heavy pruning cuts of 1No. Sycamore tree. Reduce the lateral branch spread by a maximum of 2m making no cuts of 75mm diameter or over and not to be beyond the previous pruning points of 1No. Sycamore tree.	ApproveConditionally 28-03-17
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Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - Aldwick Parish Council were unable to determine the application, it was resolved that the matter be referred to the Tree Officer.

2 letters of support received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**TREE OFFICER**

All trees in the proposal are growing within a Conservation Area.

T3 is also a subject of tree preservation order - TPO/AW/220/10.

G7 relates to the several distinct clumps of young sycamore growing from the east side of the ditch. It does not include the large, mature sycamore growing on the west side of the ditch, at rear of 11 Larchfield Close.

T3 Pedunculate Oak / *Quercus robur* Height: 10-15m Radial spread: 0-5m Age class: Early mature.

A combination of relatively late bud burst and high percentage of major deadwood, suggest this oak is in poor health and lacking vitality. An oak of this age class should be thriving under most conditions and so the prognosis is continued decline. Removal of deadwood to safeguard garden visitors will leave the tree much diminished in the landscape. There is ample scope for replacement with a tree of similar ultimate stature and potential longevity and sufficient mature treescape locally to ensure no significant loss of amenity.

It may be possible for the stump to be left at a useful height above ground level to conserve biodiversity. The retention of deadwood and decaying stumps can provide valuable habitats for plants and wildlife which may be protected under other legislation.

T5 Silver Birch - This tree is mature and in terminal decline. They have little resistance to established decay and rapidly disintegrate. It is prudent to undertake removal of this tree.

G7 Sycamore - These young, self-set trees make no meaningful contribution at this time and if left will rapidly establish to the detriment of other plants of high ornamental value.

Conclusions:

T3 Pedunculate Oak - The proposed work can be justified on arboricultural grounds. A suitable replacement tree can be planted nearby; this can be secured by a condition as part of our decision notice.

T5 Silver Birch & G7 Sycamore - I am satisfied the work will not result in harm to the character or appearance of the conservation area. They lack the requisite amenity value to be suitable candidates for preservation. I raise No Objection and see no reason to make a Tree Preservation Order.

Recommendation:

T3 - We grant consent for this application subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Tree Preservation Order

Conservation Area

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, 36-093-20140306 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

There 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, subject to the following conditions and informatives. Special attention has been given to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This proposal would preserve the character and appearance of the Conservation Area.

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 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 then a replacement tree is to be planted in the same place or nearby and to within five metres, free from the interference of established and developing tree canopy so that it may develop an upright and uniform crown towards maturity. 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 oak tree. The species shall be selected from the following:-

Pedunculate oak *Quercus robur*
 Wild service *Sorbus torminalis*
 Field maple *Acer campestre*
 Hop hornbeam *Ostrya carpinifolia*
 Hornbeam *Carpinus betulus*

The selected tree must be viable for long-term retention in the landscape after a period of five years from the date of this decision notice. Any tree dead, dying or considered unviable for long-term retention by the council's tree officer, will need to be replaced to the satisfaction of the local planning authority within 12 months of that determination.

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 (as amended), 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.
- 4 INFORMATIVE: The removal of deadwood is an exception. Prior notice to or consent from the local planning authority is not required.