

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

REF NO: AW/80/22/T

LOCATION: Malmayne Court
Aldwick Fields
Aldwick
PO21 3SW

PROPOSAL: 1 No. Monterey Pine (03007) -fell due to weakened trunk from large branch falling in the storm.
1 No. Monterey Pine (03008) Crown lift low branches back to main stem to give 3m head clearance.
1 No. Monterey Pine (03009) - remove deadwood in crown.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees are situated in a row along the northern edge of the site, close to the boundary.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/268/21/T	Ash (T1). Fell due to terminal disease. Replant with one standard specimen of a suitable species.	ApproveConditionally 21-09-21
AW/250/16/T	Fell 1No. Oak tree	ApproveConditionally 17-10-16
AW/215/12/T	Surgery to 1 no. Oak T3, 1 no. Ash T4, 1 no. Turkey Oak T5 and 2 no. Corsican Pine trees T6 & T7.	ApproveConditionally 23-10-12
AW/10/08/T	Prune east side of crown by up to 3m to one Turkey Oak.	ApproveConditionally 22-02-08
AW/194/06/T	Surgery to one Oak, one Sycamore, one Beech and one Ash Tree	ApproveConditionally 27-09-06

AW/26/01/T	Surgery to 2 Sycamore trees, 1 Scots Pine tree, 1 Oak tree, 1 Poplar tree and 1 Beech tree.	Refused 28-03-01 Appeal: Dismissed 05-08-02
AW/198/00/T	Surgery to Hybrid Black Poplar tree and cutting out dead wood of oak tree	ApproveConditionally 29-11-00
AW/156/97/T	Remove lower limbs on two oak trees, deadwood one pine tree and poplar tree	ApproveConditionally 21-11-97
AW/163/93/T	Fell one pine tree	ApproveConditionally 21-12-93
AW/59/92/T	Fell three pine trees	ApproveConditionally 13-04-92
AW/174/88/T	Fell one pine tree	ApproveConditionally 25-07-88
AW/217/87/T	Fell or lop one Pine and lop one Pine	ApproveConditionally 21-09-87

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No Objection:

- Members agreed that the Arun Arboriculturist is consulted regarding the the application and that his recommendations/decision be applied.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

The agent has employed Tree Care Consultancy to assess the trees and provide an arboricultural report. This is comprehensive and recommends a balanced set of work proposals to manage the trees in an appropriate state for their location. I concur with the assessment of condition and support work recommendations.

All are prominent and together provide a visually impressive arboricultural feature. This can be appreciated by numerous residents of surrounding properties and users of the busy public highway (footway and carriageway). As such, they have amenity value.

T7 and T8 are in fine physiological condition. They have attractive crown profiles which mask several structural imperfections (multiple stems and their subsidiaries). T7 has recently sustained a deep tear-out wound on main stem following storm damage. Although not hazardous the long-term structural integrity of the tree is compromised.

T9 is in fair physiological condition, carrying a high percentage of deadwood and possibly in decline. Note: Only T7 & T9 are the subject of a Tree Preservation Order. TPO/AW/41/10 and Bognor No.2 respectively.

The removal of dead branches is an exception and does not require prior consent from the local planning authority.

Conclusions:

Only T7 (03007) requires approval from the local planning authority. Although the tree remains healthy and viable for safe retention, long-term prospects are not good.

It occupies a prime position for a high value tree, offering considerable visual amenity to a wide audience. A suitable replacement can be secured by a condition, ensuring continuity of this arboricultural feature.

Recommendation:

I recommend CONSENT is granted subject to the following condition:

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

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 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 5metres.

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 pine tree.

The species shall be selected from the following: -

Austrian pine - *Pinus nigra* subsp. *Nigra*

Hop hornbeam - *Ostrya carpinifolia*

Wild service tree - *Sorbus torminalis*

Field maple - *Acer campestre*

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.