

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

REF NO: AW/97/19/T

LOCATION: Braemar Lodge
2 Willow Way
Aldwick
PO21 4NA

PROPOSAL: Fell 1 No. Poplar tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat
TREES	The tree is situated to rear of the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/317/15/T	Fell 2 No. White Poplar	ApproveConditionally 02-12-15
AW/128/13/T	Pollard back to previous pruning points 3 No. White Poplar trees & reduce 1 No. Leylandii tree down by 5m (to existing hedge level)	ApproveConditionally 25-07-13
AW/145/95/T	Overall reduction and crown thinning by approx. 25% to 3 Balsam Poplar trees. Reduce and trim height and sides of several Cypress trees.	ApproveConditionally 15-12-95

Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council
Aldwick Parish Council provided no objection.
No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

The applicant has employed The Arboricultural Consultancy Ltd to assess the tree and provide a report on its condition. This is comprehensive and recommends a reasonable plan of action in response to the findings.

This is the last of three trees of its type, that all appear to have succumbed to decay. Previous application AW/317/15/T refers to the felling of two poplar. There has been no successful replacement planting - despite a condition to that effect attached to past permission.

Outwardly and from a distance it appears to be in a fine physiological state although on close inspection it is considered to be structurally unsound. It grows at the rear of the property and can be seen from neighbouring dwellings but has only limited visibility from publicly accessible land.

Conclusions:

The work proposed is necessary to mitigate risk of structural failure and so justified on arboricultural grounds.

It is now imperative we ensure a replacement tree is planted that will adequately compensate for the loss of canopy.

Recommendations:

I recommend CONSENT for this application, subject to the following condition:

Condition To Be Applied To Approved Work: -

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 10metres.

This is to be of 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 poplar tree. In the event that tree dies within five years following such planting, the occupier shall replace it with a similar tree in similar position during the next planting season.

The species shall be selected from the following:-

Field maple *Acer campestre*

Hornbeam *Carpinus betulus*

Wild cherry *Prunus avium*

Pedunculate oak *Quercus robur*

Reasons: To accord with current industry guidelines and sound arboricultural practice in general.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

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

Following 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

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- 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.