

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

REF NO: LU/293/21/T

LOCATION: Rosemead Park
Littlehampton

PROPOSAL: Fell 1 No. Himalayan Cotoneaster tree (T42).
Fell and grind group of Leylandii Cypress trees (approx 45 trees) (T5)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	Himalayan Cotoneaster tree (T42), North Eastern corner of Rosemead Park. Leylandii Cypress trees (approx 45 trees) (T5), West side of Rosemead Park.
SITE CHARACTERISTICS	Open green space.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

LU/279/16/T	Crown reduction of 2No. Tulip trees by 2.5m	Refused 08-11-16
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REPRESENTATIONS

Littlehampton Town Council - No response.

2 Neighbour support:

- I am pleased this action is proposed and agree broadly with the LTC's intentions with one reservation. There is reference to wind and to screening (ie visually) of Rosemead Park from the Fitzalan Extension Road, but no material consideration of noise screening.

This boundary will shortly adjoin a very busy new main road, apparently justifying 3.5m sound barriers on much of its length. Surely Rosemead Park should have a planting scheme and/or other measures implemented on its west boundary which afford adequate sound mitigation impact for park users and its residential neighbours?

- These trees are very dangerous and limbs are always breaking off.

1 Neighbour objection:

- Tree surgery or lopping not felling, unless dangerous or dead, if this goes ahead replacement tree to go instead.

COMMENTS ON REPRESENTATIONS RECEIVED:

All comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Arun District Council (ADC) - Tree Officer recommends approval subject to conditions. Full details on this response can be found on the ADC website.

Parish Council - No response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

TPO's on site.

Built-up area boundary.

Existing open space.

2km Buffer for Site of Special Scientific Interest (SSSI).

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 be weighed in the balance with the

CONCLUSIONS

Having regard to the tree officer's comments it is recommended that the application be approved subject to conditions and the following 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 T5 - Once the trees have been felled, replacement planting is to be carried out within 12 months of their removal. The planting scheme must include a minimum of 16 trees to be planted equidistant of one another in single or double row and to within 10 metres of the existing tree line. They are to be of Selected Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a secure stake system with appropriate securing ties and pads.

The species shall be selected from the following:

- Field maple (*Acer campestre*)
- Small-leaved lime (*Tilia cordata*)
- Hornbeam (*Carpinus betulus*)
- Wild cherry (*Prunus avium*)
- Pedunculate oak (*Quercus robur*)
- Sweet chestnut (*Castanea sativa*)
- Crab apple (*Malus sylvestris*)

- Holm oak (*Quercus ilex*)

T42 - 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 4 metres. 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 tree shown as T42.

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.