

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

REF NO: AW/104/26/T

LOCATION: 17 Margaret Close
Aldwick
PO21 3AA

PROPOSAL: Crown lift to 1 No. Lime to achieve a maximum of 3m overhead clearance on all aspects, to 4m where branches overhang the public highway. Crown lift to 1 No. Maple to 4m from ground level, crown reduction to leave an easterly spread of 3m. Remove overhanging limb over garden room on 1 No. Ash.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees are located within the curtilage of 17 Margaret Close.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/270/20/T	Fell 1 No. Common Lime tree	Refused 07-12-20
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Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No objection.

2 No. letters of support received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER

The applicant/agent have not provided any number or letter for any of the trees in this proposal, so I have recorded them alongside their TPO reference. Fortunately, the sketch plan provided is helpful and the

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trees are easily seen to be of different type.

Lime / Tilia sp. Height: 10-15m Radial spread: 5-10m Age class: Early mature (Listed on TPO/AW/50/10 schedule as T1604)

Norway maple / Acer platanoides Height: 10-15m Radial spread: 5-10m Age class: Mature (Potential subject of Bognor No.2)

Ash / Fraxinus excelsior Height: 10-15m Radial spread: est. 5-10m Age class: est. Mature (Listed on TPO/AW/49/10 schedule as T-1609)

Lime - The following comments I made about this tree in 2020 remain true to this day. 'Outwardly and from a distance it appears to be in a fine physiological state, possessing excellent form and so an attractive crown profile. It grows at the front of the property and is prominent within the close. As such, it has public amenity value. Periodic pruning of selected lateral branches will be necessary throughout its lifespan, to maintain harmony with its surroundings (subject to approval from the local planning authority). Low growth over driveways and spread over parking areas is likely to become problematic if left unattended.'

It shows no obvious sign of ever having been pollarded never mind to the extent a repeat operation would leave 0m spread. I assume this is a mistake on part of the agent or relates to a different application.

In any event, whole crown reduction pruning does not appear to be necessary or justified by the applicant/agent.

Low branches are problematic and should be pruned so as not to obstruct public highway and private driveways.

Norway maple - Appears to be in a fine physiological state and with good form. Visible from the public domain so is a tree with high amenity value. The adjacent ash has a lower safe and useful life expectancy therefore increasing its potential in the landscape. The proposed pruning of lateral branches as described is unlikely to affect the amenity offer whilst ensuring long-term clearance of the garden office building beneath it. There is to be no reduction in height.

Ash - The removal of one low limb which is evidently in decline, is both justified and will incur no undue harm or loss of amenity.

Conclusions:

These are all important trees in the landscape and remain worthy of their protected status. Replacements would be desirable in the event of any loss from either natural causes or permitted removal.

The proposed work to one lime is not achievable and pollarding work to any extent would incur a significant loss of amenity.

The proposed work to one maple and one ash is justified and will not incur undue harm to the trees or loss of visual amenity.

Recommendations:

We grant consent for the work proposed to one maple and one ash.

I would like the applicant invited to agree to an alternative proposal for lesser works to one lime (as

described below) as part of the current application so as not to incur further delay. Such work will improve conditions for both tree owner and neighbours whilst ensuring no undue detriment to tree health or loss of amenity:

Lime - Crown lift to achieve a maximum of 3metres overhead clearance on all aspects, to 4metres where branches overhang the public highway.

In any event, all work granted consent should be subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Tree Officer requested an amendment to the proposed works for 1 No. Lime to be 'Crown lift to achieve a maximum of 3metres overhead clearance on all aspects, to 4metres where branches overhang the public highway', which was agreed by the applicant.

POLICY CONTEXT

Tree Preservation Orders (TPO Refs - TPO/AW/49/10, TPO/BOGNOR NO.2, and TPO/AW/50/10).

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

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 condition 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

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 Part a) Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.

Part b) Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interests of the trees' continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 INFORMATIVE: As per section 17, paragraph 4 (a) and (b) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, this consent is only valid for 2 years and may only be carried once.
- 3 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.
- 4 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.

- 5 **INFORMATIVE:** Where an applicant is not the stated owner of the tree(s), permission must first be obtained from the appropriate landowner before operating beyond the boundary of their own property. Consent from the local planning authority does not override such a requirement.