

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** AW/108/17/T**LOCATION:** Wychwood House
1 Wychwood Walk
Aldwick**PROPOSAL:** 2m Crown Reduction to 1No. Oak tree.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at Wychwood House, 1 Wychwood Walk, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/18/00/T	Fell one Oak Tree	Refused 10-03-2000
AW/198/01/T	Lopping of one Oak tree	ApproveConditionally 14-11-2001
AW/80/07/T	25% crown reduction, deadwood removal & lightly crown lift lower intruding branches of 1 x English Oak	Refused 11-05-2007
AW/162/08/T	Application to remove dead wood from crown, reduce crown spread by 10% & remove 2 low branches of 1 no. Oak tree.	ApproveConditionally 27-08-2008
AW/149/11/T	Remove dead wood & reduce crown spread by 15-20% to 1no. English Oak (Quercus Robur)	Refused 15-08-2011
AW/87/12/T	Reduce spread of 1no. English Oak tree by 1.5 metres & remove deadwood	ApproveConditionally 01-06-2012

Relevant planning history noted.

REPRESENTATIONS**Representations received:**

No comments received from Parish Council.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer:

Pedunculate Oak *Quercus robur* Height: 18m Avge Sprd: 7m Age: Early mature

- I inspected this tree and probed behind the bark wounding on the house side of the tree at ground level but there was no real depth to the decay (70-100mm in a few small localised places but otherwise 20mm around edges of visible wound).

- The wound extends up the trunk to 0.5m and is around 300mm wide and the exterior is for the most part solid - being an Oak this is a strong and durable species well able to cope with such injury - this is a superficial wound that does not undermine health or stability.

- There is a natural lean to the tree but again being an Oak I am not overly concerned about this.

- The crown is full and healthy with normal leaf size and good lustre - having regrown following on from a previous reduction exercise.

Conclusions:

- This tree is currently sound and healthy and its stability has not been compromised by the noted minor level of decay in the trunk.

Recommendations:

- I recommend REFUSAL of this application seeking the felling of this tree as there are insufficient grounds to justify such action and it is a much valued tree in the landscape.

ADVISORY:

- If the applicant chooses to come back in with a maximum 2m crown reduction exercise then I would be minded to approve this course of action.

Comments on Consultation responses:

Comments noted, the applicant was contacted with regard to the change of description and accepted.

POLICY CONTEXT

Within Built Up Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

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 the tree officer comments and the resultant change of description it is recommended that consent be granted subject to 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

In assessing this proposal neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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.

- 2 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.