

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

REF NO: AW/139/20/T

LOCATION: 5 Heston Grove  
Aldwick  
PO21 4LL

PROPOSAL: Fell 1 No. English Oak (T1585) stump to left at 2.5-3m &  
Reduce crown of 1 No. Field Maple (T1592) by to height 10.5-12m and spread 4.5-6m.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | As above                                                       |
| TREES                      | None of any significance affected by the proposed development. |
| SITE CHARACTERISTICS       | Residential                                                    |
| CHARACTER OF LOCALITY      | Dwelling                                                       |

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| <b>RELEVANT SITE HISTORY</b> |
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|             |                                                                                                |                                  |
|-------------|------------------------------------------------------------------------------------------------|----------------------------------|
| AW/206/03/T | Light pruning and reduction by 20% of 2 Oak and 2 Field Maple trees.                           | ApproveConditionally<br>08-10-03 |
| AW/50/03/T  | Light pruning and reduction by 20% of 2 Oak Trees and 2 Field Maple Trees                      | Inc Docs Ret'nd<br>29-04-03      |
| AW/302/16/T | Canopy reduction of between 8- 12m to 3 No. Maple.<br>Reduce canopy by approx. 4m to 1No. Oak. | Refused<br>21-11-16              |

Relevant Planning History Noted

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| <b>REPRESENTATIONS</b> |
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No objections from Parish Council

Hello having visited the site of the trees in the applicants garden, I support her a application (a) to have the dying oak felled and (b) to have modest and sympathetic trimming of the maple. The maple affects me more as it, in part, hangs over my garage. In my view it only requires trimming in order to take the weight from over the water course which is adjacent to my garage.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

No Comment

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| <b>CONSULTATIONS</b> |
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**CONSULTATION RESPONSES RECEIVED:**

T1585 - This tree appears to be under significant physiological distress, evidenced by low upper crown density and a high percentage of dead limbs/branches. Several historic scaffold limb failures suggest internal decay may be advanced within parts of the main stem.

- T1592 - This tree has moderate crown density, asymmetric form and twin-stemmed from near its base. There is substantial erosion of the bank beneath and around the exposed root collar although it appears stable. Sympathetic crown reduction work will reduce the trees risk factor whilst retaining visual amenity. It is visible from surrounding properties and to users of the public highway (footway).

· Both trees grow from the steep bank of a deep land drain that has recently been subject to high water levels, contributing to accelerated rate of erosion. Although both appear generally stable, it is prudent to reduce the windloading on roots, given the target area should a whole tree failure occur. The field maple currently provides a visual amenity and is viable for safe, long-term retention - subject to it being carefully managed.

**Conclusions:**

· The work proposed is necessary to mitigate risk of structural failure and damage to persons or property, so is justified on arboricultural grounds.

· T1585 - The proposal to leave the stump in-situ and at a safe height is encouraged to assist with bank stability and provide continued ecological benefit.

· T1592 - If the work is undertaken to a good standard and at the right time; then it is unlikely to have an adverse effect on the trees long-term vitality and visual amenity.

**Recommendations:**

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

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted

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| <b>POLICY CONTEXT</b> |
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Built up Area Boundary

Tree Preservation Order

**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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

## 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 Condition to Be Applied to Approved Work: -

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: 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.