

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

REF NO: AW/165/18/T

LOCATION: Corner outside 47 Kingsway, Compound of Craigweil Works
& Corner outside 57 Kingsway
Aldwick
PO21 4DQ

PROPOSAL: Lift Canopy of 1No. Maple tree over garden by 3m and prune back 2-3 major limbs over garden by 3m. Trim 1No. Macrocarpa all over by 1.5m and cut back ivy at the base of 1No. Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are located at various locations
SITE CHARACTERISTICS	Various sites on private estate.
CHARACTER OF LOCALITY	Residential area

RELEVANT SITE HISTORY

BR/203/81/T	To Prune 50 Trees	ApproveConditionally 15-04-81
BR/903/84/T	Felling Of 24 Limes 11 Horse Chestnuts 1 Ash 2 Cherry 2 Sycamore Trees And 1 Whitebeam Tree 10 Various Types Lopped	Approve in Part 17-04-85 Appeal: Dismissed 02-09-86
AW/157/18/TC	Crown reduce in width 1No. Eucalyptus and 1No. Mimosa by 1.5-2m and crown lift by 1m. Prune back the easterly lateral branch of 1No. Acer Negundo by 2m. Crown reduce and reshape 1No. Maple by 2.5m in height.	No Objection 23-07-18
AW/39/15/TC	Reduce various hedges & shrubs by .5m, reduce Leylandii tree & Leylandii archway by .2m, reduce 4 No. Holly trees by .3m, reduce 1 No. Bay tree by 0.2m within the Craigweil House Conservation Area.	No Objection 01-04-15
AW/329/14/T	Deadwood 4 No Horse Chestnut trees, prune 3-4 limbs	ApproveConditionally REPORT(ODB)

and remove 2-2.5m of growth from the tips to 1 No Maple 14-01-15
 tree & crown lift leaving a head clearance of 5-6m to 1
 No Ash tree.

AW/59/11/T	Crown reduction to 4 Holly Trees to the height of 4 metres.	ApproveConditionally 12-04-11
AW/58/11/T	Crown reduction to one Pittasporum to a height of 3.8 metres.	ApproveConditionally 12-04-11
AW/95/09/T	Crown lifting to one Sycamore tree.	ApproveConditionally 21-08-09
AW/135/92/T	Fell one ash tree. Lop 2 maples and lop and thin 1 thorn, 1 sorbus and 3 chestnuts	ApproveConditionally 25-09-92
AW/160/91/T		ApproveConditionally 04-11-91

History noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No response from Aldwick Parish Council.

1 representations received relating to use of the word "compound" in description.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

T1 Norway mapleAcer platanoidesHeight: Approx. 16m Average spread: 8m Age: Mature

T2 Monterey cypress Cupressus macrocarpa Height: Approx. 16m Average spread: 8m Age: Mature

·Both trees appear to be in a fine physiological state and with generally good form. T2 has a history of

crown reduction work from which it has 'grown on' well, a repeat of which is now sought. They are prominent roadside trees; visible from neighbouring properties and to traffic accessing the surrounding estates.

- Being also of great stature and in apparent good condition, they are a significant visual amenity.
- The removal of ivy from oak (T7) does not require formal planning consent.

Conclusions:

- The work proposed is justified and will not incur a noteworthy loss of amenity value to the surrounding area.

Recommendations:

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

Conditions To Be Applied to All Approved Works: -

- 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

- 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.

- (T2) The removal/reduction of branches which have developed since the last operation must be done sympathetically and with respect to previous pruning cuts so as not to extend beyond their point of origin.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

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 the comments from the Tree Officer, it is recommended consent be granted for the works.

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 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
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.
(T2) The removal/reduction of branches which have developed since the last operation must be done sympathetically and with respect to previous pruning cuts so as not to extend beyond their point of origin.

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.