

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

REF NO: AW/169/20/T

LOCATION: Verge outside Old Place number 53-37
Aldwick
PO21 3AX

PROPOSAL: Crown reduction of 1 No. T2 - Quercus Robur to minimum height of 13m and spread on south and west aspects to a minimum of 8m and 9m respectively.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the Verge outside Old Place number 53-37 Aldwick
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential
None.	

REPRESENTATIONS

Parish Council agrees with the Tree Officer
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

This tree is visually important within the surrounding development, occupying a prominent position and uniquely with a retained low limb/branch framework. It is an important constituent of an established group of maturing oak trees which help define the character of the area and represent a significant public amenity.

- Unfortunately, it is also unique among the oak population (local to this part of Old Place) in being physiologically stressed. Dieback of small branches and twigs throughout the crown (although pronounced in the upper half) seems to be associated with some form of root dysfunction.

- The work proposal is a recognised and sympathetic response to that pattern of dieback and the risk from pruning out live material (additional stress) is necessary to abate hazard from falling branches and hopefully to stimulate the production of new foliage from dormant buds across the crown interior. There is a fine balance to be achieved and for trees of high amenity value the operation must be clearly specified.

Conclusion:

- The principle of the work proposed is justified on arboricultural grounds, although I find the specification open to interpretation and so cannot support it as it stands.

Recommendations:

- As it stands, I recommend REFUSAL for this application.

Advisory:

- I would like to see the applicant agree to a revised pruning specification such as detailed below, which would seem to address their concerns whilst providing absolute clarity for any arboricultural contractor employed to undertake that work:

- Reduce top-height to leave a minimum of 13m above ground level.
- Reduce radial spread on the south and west aspects, leaving a minimum of 8m and 9m respectively.
- If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following condition:

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 tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- See also the standard pruning guidance notes issued with the consent letter

Advisory:

The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during the late-spring to summer period (May to August). The work proposed should only be undertaken during this period.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicants have agreed to do as tree officer requested and the description has been amended to reflect this.

POLICY CONTEXT

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/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 (granted), subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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.
- 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.