

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: AW/17/18/TC

LOCATION: 9 Willow Way
Aldwick
PO21 4NA

PROPOSAL: Reduce 1 No. Eucalyptus and 1No.Willow tree to previous pruning points approx 2-3m. Reduce 1No. Acacia by 3m within Aldwick Bay Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are located at the front of the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/36/16/TC	Fell 1 No. Purple Maple tree, reduce crowns of 2 No. Yew trees by 1m & reduce east facing crown of 1 No. Holly tree by 1m within the Aldwick Bay Conservation Area.	No Objection 14-03-16
AW/338/13/TC	Remove northern stem from 1 No Purple Maple (8m), reduce west facing lowest limb by 7m and reduce crown of 1 No Eucalyptus tree by 5m, reduce east facing limbs of 1 No Willow tree by 5m and remove east facing limb, towards house by 10m to 1 No Birch (back to main stem) within the Aldwick Bay Conservation Area.	No Objection 06-02-14
AW/173/09/TC	Crown reduction of 25% to 1 no. Eucalyptus, 1 no. Maple & 2 no. Yew trees (within the Aldwick Bay Conservation Area)	No Objection 30-10-09
AW/241/00/T	Felling of 1 storm damaged Cupressus Macrocarpa at corner of Willow Way & Manor Way.	ApproveConditionally 29-12-00

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council provided no response
No representation from nearby occupiers
Conservation Area Advisory Committee provided no response

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

Eucalyptus

To some extent it is a shame that this tree has been the subject of stem truncation and heavy reduction of its limb framework. As healthy trees of this type will do, it has responded with vigour to the heavy crown reduction work (more of a pollard-type operation), undertaken in 2013. Repeating this operation is now necessary to limit the risk of future branch failure.

False Acacia

Lack of formative pruning has resulted in a wayward limb that dog-legs over the road, with low branches encroaching towards the carriageway. Mid-upper crown profile is uniform and establishing well. Crown lifting (removal of low branches) to 3m would ordinarily be an excessive specification but in this case could ultimately have a positive effect on tree form. Suppressing development of this low limb is preferable to undertaking its complete removal that would create an unacceptably large wound on the main stem.

Willow

Tree has undergone heavy limb reduction on its NE aspect. A repeat of this operation will be necessary to reduce the risk of branch failure. Although not clearly specified- if other crown aspects are to receive sympathetic reduction work to achieve some symmetry then this would be acceptable. This tree is of relatively low amenity value and does not make a significant contribution to the character of the area.

Conclusions

All three trees occupy a prominent position adjacent the property's front boundary and area clearly visible from the main estate road. They appear to be in fine physiological form.

If the Eucalyptus and Willow trees are pruned to a high standard with respect to previous pruning cuts then what is proposed will be an entirely reasonable operation to carry out at the correct time of year. (Late Winter-to Early Spring).

Neighbouring trees of pine and birch provide greater amenity value due to their stature and more sympathetic pruning history, the type of long term management of the trees as proposed herein will not significantly detract from the overall tree lined character of the area.

Recommendations

I raise no objection to the works that have been applied for and see no reason to make a TPO in this instance.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Conservation Area
Tree Preservation Order

DEVELOPMENT PLAN POLICES**PLANNING POLICY GUIDANCE:**

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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 comments from the tree officer, it is recommended there be no objection to the works proposed.

HUMAN RIGHTS ACT**FOR APPROVAL**

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

NO OBJECTION

- 1 **ADVISORY**
When undertaking repeat crown reduction work- remove branches to just beyond position of past pruning cuts in order to ensure a satisfactory standard of tree surgery.
Reasons: In the interests of the trees continued health and long-term vitality.
- 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.