

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

REF NO: AW/181/21/T

LOCATION: 106 Barrack Lane
Aldwick
PO21 4EA

PROPOSAL: Crown reduction to 4 No. Oak trees (T1, T2, T3 & T4) to height 7.9m and spread 3m. Crown reduction to 1 No. Oak tree (T4) to height 7.6m and spread 3m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 106 Barrack Lane.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/178/19/T	Reduce crowns of 2 No. Oak trees by 1m & reduce crown of 1 No. Field Maple tree by 1m.	Refused 04-09-19
AW/321/18/T	Reduce by 1m to old cuts 2No. Oak tree and reduce by 2m to 1No. Maple tree.	Refused 08-02-19
AW/309/15/T	Reduce 2 No.Oak trees by 2m.	ApproveConditionally 30-11-15
AW/8/15/T	Fell self seeded Beech tree growing under established Oaks.	
AW/245/13/T	Reduce crown of 1No. single trunk Oak tree and 1No. five trunk Oak by 30%.	Refused 21-11-13
AW/205/12/T	Remove 4 lower branches to a height of 2.5 metres above ground level from 1 No Field Maple tree	ApproveConditionally 05-10-12

AW/330/07/T	Crown reduction by 2.5 metres to one Oak tree and one 5-trunk Oak tree.	ApproveConditionally 11-01-08
AW/264/00/T	Reduce height of 2 no. deciduous Oak trees.	ApproveConditionally 31-01-01
AW/299/11/T	Fell one Oak tree.	Refused 29-03-12

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.
No representations from Parish Council.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Outwardly these trees appear to be in a fine physiological state but with heavily modified form. They grow to the front of the property effectively on roadside verge and are prominent. They are highly visible from the public highway (road, footway and commercial premises). All have been the subject of crown reduction pruning resulting in relatively small and compact limb/branch framework. This work was most recently undertaken late 2015/early 2016.

Conclusions:

Cyclical crown reduction work throughout the remaining lifespan of these trees will be necessary to achieve a degree of structural integrity appropriate for their location.

There is sufficient extension of new growth (generally 2metres+) since the last major pruning operation (c2015/16); so that repeat crown reduction at this time ought not to have a detrimental effect on their long-term vitality, if undertaken to a high standard and at the right time.

Recommendation:

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

Condition to Be Applied to Approved Work: -

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.

The removal of crown material which has developed since the last operation must be done

sympathetically and with respect to established 'knuckles' so as not to extend beyond the 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.

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

Advisory:

The long-term vitality of these trees 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.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

DEVELOPMENT PLAN POLICIES

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 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 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

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.
The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the 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.

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

- 2 INFORMATIVE: The long-term vitality of these trees 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.
- 3 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.
- 4 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 0345 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.