

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

REF NO: AW/185/20/T

LOCATION: 92 The Fairway
Aldwick
PO21 4EW

PROPOSAL: Reduce branch of 1 No. Corsican pine to 3.5m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the grounds of 92 The Fairway.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/59/17/TC	Fell 2No. Monterey Cypress within Aldwick Bay, Aldwick conservation area.	No Objection 18-07-17
AW/106/13/T	Fell 1 No. Monterey Cypress tree	ApproveConditionally 21-06-13
AW/191/11/T	Fell 1 Monterey Cyprus tree	ApproveConditionally 27-09-11
AW/104/10/T	Fell 1no Monterey Cypress tree.	Refused 05-07-10
AW/79/04/TC	Fell one and top three Leylandii trees within the Aldwick Bay Conservation Area	No Objection 27-05-04
AW/120/02/T	Felling of 1 Monteray Pine	PP Not Required 01-08-02

No relevant site history.

REPRESENTATIONS

Aldwick Parish Council: No Objection

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Black pine / *Pinus nigra* ssp Height: 15-20m Spread: 5-10m Age class: Mature

- Outwardly and from a distance this tree appears to be in a fine physiological state. It has a complex form, with heavy (predominantly south tending) limbs arising from early twin stems.
- There is one prominent low limb growing out over the carriageway, subject of this application.
- The application describes a 7metre limb and proposes a 50% reduction, effectively leaving a 3.5metre long limb. I have measured the limb at 11metres length. This is a significant anomaly in the context of this application. I agree the limb presents a hazard and is at risk of failure if left unattended to, so support the principle of reduction pruning. The life expectancy of this limb is dependant on the amount of foliage it supports relative to its overall mass. The loss of too much foliage (which can not be recovered in good time) would accelerate its decline. It is important to try and prevent wholesale loss of the limb so that we avoid creating a large wound vulnerable to colonisation by harmful decay fungi.
- This is a large, apparently healthy tree which grows at the front of the property and is prominent. It can be seen from numerous properties and is highly visible to traffic accessing/exiting this part of the estate.

Conclusions:

- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.
- The measurements provided to both describe the limb length and extent of proposed reduction work are incompatible. While I support a 50% reduction, I do not support leaving a 3.5m long limb, therefore confirmation of the permitted work is required. To that end I attach a photograph showing the approved point of reduction and a suitably worded part of the condition in support.
- The work proposed is necessary to remove encroachment of carriageway and mitigate risk of structural failure, so is justified on arboricultural grounds.

Recommendations:

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built Up Area Boundary
 Tree Preservation Orders
 Pagham Harbour Zone B
 2km Buffer for Site of Special Scientific Interest
 Conservation Area

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 of the tree officer it is recommended the application 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
 - 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 subject limb (as shown in the photograph accompanying this report) to be reduced in length, back no further than the edge of the carriageway and in front of the last foliage bearing branch before the limb dog-legs up to the heavy terminal clump of branches. Approximate position of final cut shown as red line on the Fig.1 available on the Council's website for this application.

Reasons: In the interest 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 on the Council's website.

- 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.