

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

REF NO: AW/208/21/T

LOCATION: 47 Fish Lane
Aldwick
Bognor
PO21 3AB

PROPOSAL: Crown Thin 1 No. (T1) Oak Tree by 25% and remove dead wood.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 47 Fish Lane.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/48/13/T	Various surgery to 1no. Oak tree	Refused 19-04-13
AW/94/90/T	Lop and top one Oak tree	ApproveConditionally 26-06-90

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Outwardly and from a distance (roadside) this tree appears to be in a fair physiological state and

assumed to be so in the absence of any evidence provided to the contrary. Moderate crown density is assumed to be associated with an exposed near coastal setting and pronounced following an early-season wind scorch event.

Despite crown reduction pruning it remains visually impressive; seen from surrounding properties and to users of the public highway (footway and carriageway).

It is proposed to remove a quarter of crown volume by thinning out crossing branches, removal of epicormic growth and deadwood. I saw no obvious evidence of problematic crossing branches and epicormic growth is a likely response to the aforementioned leaf and shoot damage or perhaps a discreet physiological condition. The emergence of new growth from dormant buds is a valuable mechanism of oak as it attempts to recover crown volume and maintain vitality.

The removal of crossing/rubbing branches is considered good practice where it seeks to prevent/limit the presence of abrasion wounds that might facilitate ingress of harmful decay fungi. Some crossing branches may provide valuable 'natural bracing'. A future application would need to clearly identify those intended for removal.

The removal of dead branches is an exception and does not require permission from the local planning authority.

Conclusions:

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

Crown thinning work has not been justified on arboricultural grounds. Such work rarely provides a benefit to the tree and often only a short-term increase in light levels. It can drastically alter tree dynamics and natural defences against wind pressure. The sudden exposure of central crown areas to such winds can result in significant damage.

Recommendation:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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 no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the tree officer, it is recommended consent be refused.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 Crown thinning not been justified on arboricultural grounds. Such work rarely provides a benefit to the tree and often only a short-term increase in light levels. It can drastically alter tree dynamics and natural defences against wind pressure. The sudden exposure of central crown areas to such winds can result in significant damage.