

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

REF NO: AW/20/22/T

LOCATION: Garden View Flat 3
Strange Garden House
Strange Garden
Aldwick
PO21 4AL

PROPOSAL: 1 No. Holm Oak tree (T1) - Crown lift to 4m.
1 No. Holm Oak tree (T2) - reduce all limbs at 3m to reduce by 1.5m to leave 1.5m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	T1 is located to the rear of the property, T2 is located to the front.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/223/16/T	Reduce 1No. Holm Oak tree by 1m all over & shape.	ApproveConditionally 02-09-16
AW/189/20/T	It is the same Oak tree at the front of the property to Strange Garden house as pruned in past years. Branches are between the telephone wires and I have had too have the property re painted again due to it shedding so much green foliage and sap. It requires at least a 25% pruning. Photos can be provided.	
AW/58/12/T	Various surgery to 1 no Holm Oak	ApproveConditionally 20-04-12

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No Objection:

- Members agreed that the Arun Arboriculturist is consulted regarding the application and that his recommendations/decision be applied.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

Outwardly both trees appear to be in a fine physiological state. T1 is located far east of the location marked on the sketch plan, beyond the gated garden boundary. It is the only holm oak in the immediate locality (rear garden areas) so is assumed to be a concern.

There is one Tree Preservation Order affecting this garden plot and front of property, an area Order (Bognor No.2) made in 1958. I am satisfied that only T2 would have been established at that time. Consent from the local planning authority is not required for the work proposed to T1.

T2 grows at the front of the property and is a prominent tree of character. It has been the subject of successive crown reduction work resulting in a dense and compact form.

Repeat operations such as now being asked for by the applicant will be necessary throughout the remaining lifespan of this tree, to achieve a degree of structural integrity appropriate for its location.

Conclusions:

The work specification is ambiguous but assumed to propose a repeat of past crown reduction. The extent of work can be controlled by condition (see below) to ensure the tree is not unduly harmed by excessive pruning.

The proposal to reduce overall height and spread with a view to restricting its growth is consistent with previous work approved by the Local Planning Authority.

While a temporary loss of aesthetic value is inevitable, satisfactory canopy renewal and recovery should occur if the work is undertaken to a high standard and at an appropriate time of year.

Recommendation:

I recommend CONSENT is granted subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built Up Area Boundary

TPO

Area of Character

Pagham Harbour Zone B
2km Buffer for Site of Special Scientific Interest

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

- 2 INFORMATIVE: Although holm oak may respond with vigour to hard pruning (as proposed) they have a poor tolerance of such work and long-term vitality can be severely affected. The optimum time to prune is during the mid to late winter period (December to January).
- 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.