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

REF NO: AW/211/21/T

LOCATION: 2 Lichfield Gardens
Aldwick
PO21 3RB

PROPOSAL: Crown reduction by 4m to 2 No. Weeping Willow trees to height 4m and spread 5.5m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 2 Lichfield Gardens.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/181/19/T	Crown reduction by 4m to 2 No. Weeping Willow trees.	ApproveConditionally 22-07-19
AW/295/17/T	Crown reduction by 4m of 1 No. Weeping Willow tree.	Approve 01-12-17
AW/10/15/T	Crown reduction by 25% to 2 no. Weeping Willow trees.	ApproveConditionally 11-03-15
AW/44/11/T	Crown reduction by 25% to 2 No Weeping Willow trees	ApproveConditionally 31-03-11

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No Objection.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:
Both trees appear to be in fine a physiological state with attractive crown profiles. They are of similar size and age, with a shared history of regular crown reduction pruning.
They grow at the side of the property and are prominent roadside. They are highly visible to through traffic (footways and carriageway). As such, they have public amenity value.
Repeat operations such as now being asked for by the applicant will be necessary throughout the remaining life-span of these trees, which are of high growth potential in a relatively confined space, to achieve a reasonable degree of structural integrity appropriate for the location. The crown reduction operation proposed, is effectively a re-pollard.

Conclusions:
These trees have the potential to develop heavy and congested limb/branch frameworks if allowed to grow unchecked, such that they would suffer partial failure of the same, within a relatively short time frame. The proposal to reduce overall height and spread with a view to restricting growth is justified and consistent with previous works 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 for this application, subject to the following conditions:
Condition to Be Applied to Approved Work: -
Part a) 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.
Part b) 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
Part c) 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.
Part d) All ivy should be cleared from the main stem and limb/branch framework to facilitate the development of new growth from dormant bud locations.

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

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 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.
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.
All ivy should be cleared from the main stem and limb/branch framework to facilitate the development of new growth
from dormant bud locations.
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.