

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

REF NO: AW/217/18/T

LOCATION: 52 The Drive
Aldwick
PO21 4DT

PROPOSAL: Lateral clearance from windows & gutter & approximately 1.5m clearance from roof pitch to 1 No. Lime tree, crown lift 6m above garden to boundary wall to 1 No. Lime tree & building clearance 1m to 1 No. Norway Maple tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
TREES	The trees are situated within the grounds of 52 The Drive.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/229/18/T	1m lateral clearance from gutters, 1.5m clearance from roof pitch and 6m crown lift above garden to boundary wall to 1No. Norway Maple tree. 1m lateral clearance from gutter and 1.5m clearance from roof pitch to 1No. Norway Maple tree.	
AW/124/12/T	Surgery to 1 no. Scots Pine tree	
AW/84/08/T	Application to reduce by up to 1 metre only, the lowest three branches on the east side of 1 no. Cupressus Macrocarpa.	ApproveConditionally 13-06-08

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council provided no response

No representation from nearby occupiers
Conservation Area Advisory Committee provided no comment.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

All three trees are under 3rd party ownership, growing within the grounds of 52 The Drive. Dimensions and age class are broadly estimated as close inspection was not achieved or necessary on this occasion. They were inspected from within the confines of footpath immediately west of aforementioned property and rear garden of 32/34 The Drive.

All trees appear to be healthy and stable with attractive crown profile and of obvious visual interest and some public amenity value. Their individual value is elevated by virtue of group cohesion.

For clarification, the boundary wall as described is that which abuts the applicant's property (32) and along the west side of the footpath.

For clarification and to distinguish it from neighbouring trees of similar/same type; I describe the Norway maple (T3) as follows: A fringe tree of asymmetric form, true species type (green foliage), 2 dominant stems, crossing branch at 4m height and 50cm above an irregular partially occluded wound of 100mm diameter, west side.

Small branches of less than 25mm diameter are touching the roof of adjacent building and if left to establish further may well cause some damage.

Conclusions:

The work proposed is justified on arboricultural grounds as it seeks to preserve the integrity of built structure and maintain reasonable enjoyment of the property, with respect for natural tree form.

This work if undertaken to a high standard will not incur a significant loss of amenity value to the surrounding area.

Recommendations:

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

Conditions To Be Applied to All Approved Works: -

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.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order
Conservation Area

DEVELOPMENT PLAN POLICES**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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following comments from the tree officer, it is recommended consent be approved subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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 work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.
Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.
- 2 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
Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 3 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.
Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 4 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.
- 5 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.