

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

REF NO: AW/239/25/T

LOCATION: 107 Manor Way
Aldwick
PO21 4HU

PROPOSAL: Fell 1 No. Golden Macrocarpoa (T1).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree stands within the rear garden of 107 Manor Way.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/265/23/T	T1 - removal of 3 split limbs and crown lift to 6m above ground level on the Western and Northern sides. T3 - crown lift to provide a maximum of 5m overhead clearance above footway, verge and carriageway only. To a maximum of 2.5m overhead clearance on remaining aspects.	ApproveConditionally 06-12-23
AW/133/23/T	1 No. Golden Macrocarpa (T1) spread reduction on the Western aspect to leave a finished height of 16m and a spread of 13m.	ApproveConditionally 25-07-23
AW/170/10/T	Fell 1 No Macrocapa	Refused 16-09-10

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer - T1 is considered the subject of a preservation order - Bognor No.2 and is within the Aldwick Bay Conservation Area. This is a large tree which is visible in part from the highway. It has an asymmetric crown profile, largely a result of successive pruning operations to maintain clearance of adjacent properties in Hunters Close. There has been a historic separation of main stem union, with further deterioration in structural integrity an obvious concern. There are several limbs with longitudinal splits (hazard beams) that are typically progressive and result in collapse. A recent medium sized branch in the upper crown has failed.

Conclusions: The tree has multiple structural defects and is increasingly vulnerable to gale damage. It presents an unacceptable level of risk of harm to persons or property and there are no satisfactory remedial pruning options or practical defensive measures to secure its retention as a tree with amenity value. The boundary location, proximity to multiple dwellings and mature garden setting with numerous other trees; in my opinion preclude a requirement to secure a replacement planting by way of a condition.

Recommendation: We grant consent for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Tree Preservation Order.

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, ID 36-091-20140306 and ID 36-093-20140306, 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

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, subject to the following informatives. Special attention has been given to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This proposal would preserve the character and appearance of the Conservation Area.

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

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

- 1 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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.
- 2 **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.