

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

REF NO: AW/260/25/T

LOCATION: 35 Willowhale Avenue
Aldwick
PO21 4BG

PROPOSAL: Reduction of lowest limb on 1 No. Oak (T1) to leave a length of 6m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree stands along the southern front boundary of 35 Willowhale Avenue.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/205/22/T	1no. Field Maple tree (T4) approx. 12.5m high and 6m spread, 1.5m height reduction.	ApproveConditionally 28-09-22
AW/143/16/T	Reduce crown of 1 No. Field Maple tree by 1.5-2m.	ApproveConditionally 30-06-16

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No objection.

1 representation received from nearby occupiers requesting clarification on the permission for trees sited on the sketch map within the boundary Sheerwaters.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The original description of proposed works included a crown reduction of the 3 field maple (G1), however following the comments received from the Tree Officer, the applicant agreed to amend the description to remove the works to G1 from the proposal.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER

No reason or arboricultural justification has been provided for any work, nor in respect of G1 is it clear from site observation. From roadside, both oak and field maples appear to be in a fine physiological state and assumed to be so in the absence of any evidence provided or statement made to the contrary. All contribute to the verdant character of the locality.

T1 oak - is a particularly fine specimen, being tall and with an attractive crown profile. It is relatively narrow for its type and unmodified at height, prominent in the landscape. A tree of high amenity value.

T1 possesses a main stem devoid of established branches to approximately $\frac{1}{4}$ of top height and this provides more than adequate overhead clearance. Reduction of lowest branch length is presumably desired to provide long-term clearance from over the ground floor extension (annexe), although the tree will continue to deposit material from higher up. There is unlikely to be any appreciable difference following completion of that work. That said, it would be consistent with work approved previously by the local planning authority.

A lapsed planning consent for the reduction of crown spread on its north aspect (over applicant's property) would be supported once more but would have to be proposed in a new application, as it represents greater work. The preferred specification read as follows: 'Reduce lateral crown spread on north aspect only (by approximately 2m) to clear annexe building line by a maximum of 1metre.' Such work would address any immediate concern of seasonal deposition of light material (i.e. leaves, catkins, acorns) and retain enough small branch network to ensure supporting limbs and branches are sustained.

G1 maple - comprises four distinct stems, one of which grows from the neighbouring property 'Sheerwaters'. Previously lopped/pollarded at around 6metres and recently reduced much higher (around 10m height), showing less than 1m of growth from pruning points. Only the fourth stem growing from Sheerwaters could be regarded as problematic but is not an obvious subject of the proposal despite being marked on the applicant's sketch plan.

Conclusions:

T1 oak - The work proposed is consistent with previous work granted consent by the LPA and if undertaken to a high standard will not incur a loss of visual amenity or be detrimental to long-term health.

G1 maple - The tree group is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the trees' landscape impact and undue detriment to the visual amenities of the locality.

Recommendation:

As it stands, I am unable to support this application. I would like the applicant invited to agree to an alternative proposal for lesser works by removing crown reduction to 3no. field maple (G1), as part of the current application so as not to incur further delay.

If the applicant agrees to the above revision then I would be able to recommend we grant consent, subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant agreed to the revised description of proposed works as recommended by the Tree Officer.

POLICY CONTEXT

Tree Preservation Orders (TPO Ref - TPO/AW/3/06 and BOGNOR NO.2).

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

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 condition 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

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 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 interest of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 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.
- 3 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.