

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

REF NO: AW/261/17/T

LOCATION: 43 The Drive
Craigweil

PROPOSAL: Crown reduction by 1m & crown thinning by 15% to 1No. Sycamore.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 43 The Drive, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/245/00/T	Fell one Horse Chestnut tree and one Oak tree	ApproveConditionally 27-12-2000
AW/281/03/T	Application to reduce height of Sycamore tree by 25% & trim branches to balance	Refused 24-12-2003 <i>Appealed</i> Appeal: Allowed+Conditions 27 01 2004
AW/191/10/T	Reduce and reshape 2 No Horse Chestnut trees by 20%.	Refused 04-10-2010
AW/196/10/T	25% reduction to 1No. Sycamore (Acer Pseudoplatanus) tree.	Refused 21-10-2010
AW/4/11/T	Crown reduction of approx 20% to 1 no. Sycamore tree	ApproveConditionally 16-02-2011

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Parish Council - No response.

CAAC - No comment.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

Sycamore Acer pseudoplatanus Height - 14m Avge Spread - 7m Age - Mature

- Sound and healthy and a significant and very prominent tree in the landscape.
- It is positioned due south of the house and does dominate the rear garden area beneath it and must when in full leaf cast considerable shade on same so I can sympathise with the desire to control its growth habit as has been done before.

Conclusions:

- The balance to be achieved here is between improving matters for the owner without undermining the amenity value of the tree in the landscape.
- The works proposed involve a very heavy crown reduction in one operation down to the previous pruning points which would remove almost all of the live foliage which would undermine this trees value in the landscape - there would be nothing left to thin after this.
- On this occasion I think it would be best to just reduce by 1m and thin the crown by no more than 15% and then come back in a couple of growing seasons time seeking the next stage down of reduction each time seeking to get closer to the original level of pruning but retaining a tree of amenity value.
- To prune so heavily in one go will be counterproductive in promoting a mass of dense regrowth from around the wounds and thus intensifying shading issues.

Recommendations:

- I recommend REFUSAL of this application.

ADVISORY:

I suggest that they resubmit seeking the following works:-

1. Crown reduction by no more than 1m in height and lateral spread overall.
2. Crown thinning by no more than 15%.

Comments on Consultation responses:

Comments noted, the applicant was contacted and accepted the change of description.

POLICY CONTEXT

Within Built Up Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 the comments from the tree officer and the resultant change of description, it is recommended that consent be granted subject to the following 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 neutral 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).

RECOMMENDATION

APPROVE

- 1 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.

- 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 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.