

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

REF NO: AW/270/25/T

LOCATION: Street Record  
Aldwick Place  
Aldwick  
PO21 4AD

PROPOSAL: Crown reduction to 1 No. Sycamore (T1) to leave a height of 10m, Northerly spread of 4m, Westerly spread of 3m. Crown reduction to 1 No. Sycamore (T2) to leave a height of 10m, Westerly spread of 3m. Crown reduction to 1 no. Sycamore (T3) to leave a height of 10m, Southerly spread of 3m, Easterly spread of 2m. Crown reduction to 1 no. Sycamore (T4) to leave a height of 8m, Northerly spread of 3m, Easterly spread of 2.5m, Westerly and Southerly spreads of 2m. Crown reduction to 1 No. Whitebeam (T6) to leave Northerly, Southerly and Westerly spreads of 4m.

**SITE AND SURROUNDINGS**

|                               |                                                                         |
|-------------------------------|-------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION    | As above.                                                               |
| TREES                         | The trees are located on grass verges along the Aldwick Place, Aldwick. |
| SITE CHARACTERISTICS          | Open space.                                                             |
| CHARACTER OF LOCALITY         | Residential.                                                            |
| No relevant planning history. |                                                                         |

**REPRESENTATIONS**

Aldwick Parish Council - No objection.

No representation from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:****TREE OFFICER-**

T1-T3 From roadside these trees appear to be in a fine physiological state. They are unremarkable as individuals but together form a prominent group on the estate that provides some visual amenity. There is a history of heavy pruning (crude pollard), with main stems truncated between 6 and 8metres above ground level. This proposal does not seek to repeat that work; a welcome amount of small branch network is to be retained above central knuckles. Lateral spread will be returned to established knuckles

at several locations across the group.

T4 Appears to be in a fine physiological state. Multiple stems from near base. Prominent in the skyline but like T1-T3 has been the subject of heavy pruning. 2-3metres of growth above established knuckles.

T5 There is no obvious justification for height or whole crown reduction of this tree. It appears healthy and possesses fine form, largely a result of its unmodified upper crown which can be seen from numerous properties and estate road network. A tree of high amenity value.

T6 Slightly suppressed on one side by the dominant T5 but is otherwise an attractive ornamental tree in apparent good health. The light reduction proposed to lateral spread on more extensive aspects ought not to diminish its value and provide a satisfactory degree of containment.

Conclusions:

T1-T4 There is sufficient extension of new growth since the last operations were undertaken and so the proposal is justified on arboricultural grounds. 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.

T5 The proposed work is not justified on arboricultural grounds and will incur undue harm to the tree and a loss of visual amenity.

T6 The proposed work is relatively minor and ought not to affect the trees long-term health or incur a loss of visual amenity.

Recommendations:

As it stands, I am unable to support this application. I would like the applicant invited to agree to remove T5 from the proposal, as part of the current application so as not to incur further delay. The remaining majority of work will address most of the applicant's concerns whilst ensuring no detriment to tree health or loss of amenity.

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:

The applicant has agreed to amend the application description for the proposed works in accordance with the Tree Officer's recommendation.

POLICY CONTEXT

Tree Preservation Order.

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 Part a) 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 b) 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 c) Where crown reduction work has occurred previously, the removal of subsequent growth (shoots and branches) and position of final cuts must ensure retention of all established knuckles.

Reasons: In the interests of the trees' 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.
- 4 INFORMATIVE: Hard pruning creates numerous and/or large wounds, incurring a physiological stress which may affect long-term health and vitality. The optimum time for pruning sycamore is summer or midwinter, as they are prone to bleeding.