

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

REF NO: AW/275/19/T

LOCATION: Fence line to garage east of
41 Old Place
Aldwick
PO21 3AX

PROPOSAL: Crown reduction by maximum 1.5m to 1 No. Oak tree (T2)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the fence line of the garage East of 41 Old Place
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/274/19/T	Crown reduction by maximum 1.5m to 1 No. Oak tree (T1).	
AW/132/13/T	Crown reduction and shaping of 1No. mature Oak tree by 6-7 metres.	ApproveConditionally 15-07-13
AW/255/07/T	Crown reduction by 20% of 1 x Oak tree	ApproveConditionally 26-10-07
AW/195/07/T	Crown reduction by 20% of one Oak tree.	ApproveConditionally 04-09-07

Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

No objections
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

The applicant has employed Andrew Gale Tree Surgery Ltd as agent, to undertake and submit a tree survey and plan in support of the proposal. The application is comprehensive and recommends a balanced work proposal to manage the tree in an appropriate state for its location.

- Outwardly and from a distance this tree appears to be healthy and stable. Despite a historic and heavy crown reduction pruning operation (from which it has grown on well) it presents an attractive crown profile. This it shares with a companion tree (T1), the subject of a complementary work proposal - tree work application AW/274/19/T.

· It is an important constituent of the high canopy tree population which help define the character of the area and represent a significant public amenity.

Conclusions:

· The work proposed is justified on arboricultural grounds as it seeks to strike a balance between the tree's influence and potential impact on surrounding residential property and the need to retain trees with dignity by having respect for natural tree form.

· This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. If the work is undertaken to a high standard and at the right time; then it is unlikely to have an adverse effect on the tree's long-term vitality and visual amenity.

· The proposal to reduce its overall height and spread with a view to restricting its growth is justified and consistent with previous works approved by the Local Planning Authority.

Recommendations:

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary
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

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, it is recommended consent be approved, subject to the following conditions 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

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 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.
 - The long-term vitality of this is best respected when significant pruning work such as proposed, is undertaken during the late-spring to summer period (May to August). The work proposed must only be undertaken during this period.
 - The work proposed must be undertaken alongside (and not exceeding 5 working days hence or prior to) that which has been approved for its companion tree (T1 - AW/274/19/T); to respect the collective visual amenity provided by both and safeguard against potentially damaging winds wreaking havoc on exposed limbs and branches.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 ·It appears that these trees may be under 3rd party ownership. We are obliged to advise that where trees are situated on land not owned by the applicant the granting of consent by this authority does not by association give the applicant or their agent permission to instruct or undertake such work that requires access onto or from that land. Nor does it permit any pruning work to take place from adjacent property that would extend beyond the boundary of that land. Additional permission must first be obtained from the land/tree owner.
- 3 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.
- 4 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.