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

REF NO: **AW/278/17/T**

LOCATION: 2 Shipfield
Aldwick

PROPOSAL: Crown reduce and reshape of 1 No. Willow tree by no more than 3m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is situated in the front garden of 2 Shipfield
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/280/10/T	Pollard 1no Crack Willow Tree	ApproveConditionally 02-02-2011

Relevant planning history noted

REPRESENTATIONS

Representations received:

No response from Parish Council
No representations received from nearby occupiers

Comments on Representations received:

None

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree officer comments
Weeping Willow
A visually highly significant tree in the landscape that is sound and healthy
This tree has been heavily reduced and reshaped in the past.
The operation now being sought would totally undermine its visual amenity value and remove almost all live foliage in one go leaving it as a trunk and scaffold limbs.
Conclusions
I accept that there are drains nearby and that the regular pruning of this tree is advisable but they have left it six years since the last pruning and to now bring it down by a massive amount is not acceptable.
I suggest a half way situation where the regrowth from the old pruning points is reduced by 2m to 3m so that at least it retains so shape and form.

They can then come back in after a further couple of growing seasons and seek to prune a little lower if they wish thus getting it down gradually to a smaller size.
Recommendations
I recommend refusal of this application.

Advisory
I would urge the applicant to review this situation and come back in with an application to crown reduce and reshape overall by no more than 3m.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Tree preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

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 comments from the Tree Officer and the agreed changed of description with the applicant it is recommended consent be approved 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

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.