

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

REF NO: AW/286/21/T

LOCATION: 55 Colts Bay
Aldwick
PO21 4EH

PROPOSAL: 1 No. Oak tree - Crown reduction to leave height 15m and spread approx 7-8m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located at 55 Colts Bay, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/178/16/T	Crown lift by a maximum of 1.5m, crown thin by maximum of 15% & remove deadwood 1.5m from ground to 1 No. Oak tree.	ApproveConditionally 25-07-16
AW/89/97/T	Fell one Ash tree	ApproveConditionally 15-08-97
AW/109/97	New study and conservatory	ApproveConditionally 29-08-97

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No Objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

This tree appears to be in a fine physiological state, with unmodified and attractive upper crown profile. It can be seen from commercial/retail premises as well as to users of the public highway (footway and carriageway). As such, it has amenity value. It grows from within a shrub border, over which it dominates. It will continue to exert considerable seasonal influence over surrounding ground and dwellings but is at a distance that ought to permit harmony if subject to careful and selective pruning in the future. Current building clearance is adequate although some light pruning could be tolerated to achieve long-term clearance. Low branches encroach into the carriageway.

Conclusions:

Whole crown reduction pruning work has not been justified on arboricultural grounds. While it is acknowledged that it may not be reasonable to allow this tree to achieve its full growth potential without a degree of 'containment pruning'; it is a tree of public amenity value that can be satisfactorily managed without recourse to extensive pruning work at this time.

Recommendations:

As it stands, I recommend REFUSAL for this application.

I would like the applicant to be invited to agree to a revised proposal for lesser works (such as described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

- Crown lift to achieve no more than 3metres overhead clearance on all aspects.
- Crown lift to achieve no more than 6metres overhead clearance directly above carriageway.
- Reduce/remove small diameter branches (<50mm diameter) as necessary, to achieve no more than 2metres building clearance.

If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following condition:

Condition to Be Applied to Approved Work: -

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.

Reasons: In the interest of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

See also the standard pruning guidance notes issued with the consent letter.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-Up Area Boundary
Tree Preservation Orders

Areas of Character
 Pagham Harbour Zone B
 2km Buffer for Site of Special Scientific Interest

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the tree officer, it is recommended consent be refused.

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

REFUSE

- 1
- Whole crown reduction pruning work has not been justified on arboricultural grounds. While it is acknowledged that it may not be reasonable to allow this tree to achieve its full growth potential without a degree of 'containment pruning'; it is a tree of public amenity value that can be satisfactorily managed without recourse to extensive pruning work at this time.