

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

REF NO: AW/287/21/T

LOCATION: 1 The Drive
Aldwick
PO21 4DU

PROPOSAL: Crown reduction of 4 No Holm Oak trees to height 17m spread 13m (T1), height 17m spread 12m (T2), height 17m spread 10m (T3) and height 17m spread 11m (T5). Crown reduction of 1 No. Beech tree to height 7m and spread 4m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 1 The Drive, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/56/20/TC	Reduce height to 1 No. Goat Willow to 6m. Remove large bough on North side at 5m approx and reduce height to 10m to 1 No. Eucalyptus tree within the Craigweil House, Aldwick Conservation area.	No Objection 20-04-20
AW/13/18/T	Reduce crowns by 25% to 4 No. Holm Oak trees	Refused
AW/303/15/HH	Rear extension to detached garage with replacement pitched roof. This application affects the character & appearance of the Craigweil House Conservation Area.	ApproveConditionally 26-11-15
AW/279/14/T	Surgery to various trees	ApproveConditionally 16-12-14
AW/238/04/T	Application to reduce crowns of 3 no. Holm Oak Trees by 20% and clean the crowns of dead and broken branchwood	ApproveConditionally 22-12-04

AW/163/04/T Application to reduce the crowns of 2no. Holm Oak trees Refused
 by 30%, reduce the height of 2no. Leyland Cypress trees 24-09-04
 by 30% and to reduce the height of the east stem of 1no.
 Holm Oak tree by 5m.

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No Objection, Members agreed that the Arun Arboriculturist is consulted regarding the application and that his recommendations/decision be applied.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Outwardly and from a distance (roadside) these trees appear to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary.

The four oak trees are principal constituents of a significant local arboricultural feature; a group of similar age and stature. They are prominent and highly visible from the public highway and neighbouring properties. Their high canopy dominates and helps define the character of the surrounding area.

Appears to be some discrepancy in tree numbering. Having cross-referenced site plan, photos and works description, I confidently interpret as follows:

- T1/2/3/5 holm oak
- T4 beech
- There is no T6

The application can be determined on this basis.

The applicant has employed S&P Tree Specialists Ltd. as agent, to prepare and submit a tree survey and plan. This is comprehensive and includes detailed work specification with satisfactory reasons given for each item.

Conclusions:

The work proposed is justified on arboricultural grounds. If undertaken to a high standard and at the right time; then it is unlikely to have an adverse effect on the trees' long-term vitality and visual amenity.

Recommendation:

I recommend CONSENT for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-Up Area Boundary
 Tree Preservation Orders
 Conservation Area
 Article 4
 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 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.
Where pollarding or crown reduction pruning has occurred previously, then the removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

Reasons: In the interests of the trees' 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.
- 2 INFORMATIVE: The long-term vitality of the oak trees is best respected when significant pruning work such as proposed, is undertaken during the mid to late-winter (January-February) period. Optimum time for pruning beech is late spring to summer (May to August).
- 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 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.