

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

REF NO: AW/28/26/T

LOCATION: 9 Willowhale Avenue
Aldwick
PO21 4AU

PROPOSAL: Crown reduction to 1 No. Macrocarpa (T1) to leave a South-Westerly spread of 6m, crown thinning by 30%.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree stands in the rear garden of 9 Willowhale Avenue.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

No relevant planning history.

REPRESENTATIONS

Aldwick Parish Council - No objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

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

I have considered this application by means of a desktop review, using the information submitted as well as online resources. Previous consideration from site and familiarity with surrounding areas provide further insight to the proposal.

The correct interpretation of crown thinning (as described in BS3998:2010 Tree work - Recommendations) carried out to this extent, would leave the tree in a severely weakened state and highly vulnerable to structural failure. It is therefore assumed the applicant is concerned with removing only weak or crossing branches with a high risk of detachment or decline in addition to any deadwood (exempt works).

The reduction of branch tips on the southwest sector of the canopy, ought to leave sufficient foliage to ensure those branches do not decline. Like most cypress, this species does not produce new growth from old wood so care should be taken not to over-prune.

If the above interpretation and advice is followed, conditions ought to be improved for horticultural purposes and the tree not harmed unduly.

Conclusions:

The tree is a significant feature in the local landscape and of an age which demands careful management. It is seemingly in adequately sound and healthy condition.

If undertaken sympathetically, the tree surgery proposed in the application ought not result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

Recommendation:

We grant consent for this application subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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.

Reasons: In the interest of the tree's 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: Although Cypress may respond with vigour to hard pruning, they have a poor tolerance of such work as shoots will not grow from old wood and long-term vitality can be

severely affected. The optimum time to prune is during the late spring to early summer period (May to June).

- 5 **INFORMATIVE:** Where an applicant is not the stated owner of the tree(s) and proposed works are not in response to an emergency situation, permission must first be obtained from the landowner before operating beyond the boundary of their own property. Consent from the local planning authority does not by association permit approved works to be undertaken without such permission.