

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

REF NO: AW/302/19/T

LOCATION: 217 Manor Way
Aldwick
PO21 4HS

PROPOSAL: Height reduction by 2m, reduce lateral spread to east by 2.5m, reduce north side by approx 1.5m, and lift lower crown to 1.5m 1 No. Evergreen Magnolia tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are situated on the site of 217 Manor Way Aldwick
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/213/19/TC	Crown reduction by 3m and crown thin by 33% to 1 No. Magnolia tree within the Aldwick Bay Conservation area.	Objection 17-09-19
AW/123/19/TC	Partial fell to 1-3m in height 1 No. Eucalyptus tree within the Aldwick Bay Conservation area.	Withdrawn 15-05-19
AW/8/11/	Conservatory enclosure of small existing first floor balcony	ApproveConditionally 21-02-11
AW/210/99/TC	Fell one bay tree within the Aldwick Bay Conservation Area.	No Objection 18-01-00

Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council
No Objections

No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile, despite the coastal influence and associated slight asymmetry.

- It is growing in the front garden of the property, relatively close to the built structure. It has significant ornamental value by virtue of its size, evergreen foliage and flowering potential. It is visible from neighbouring properties and to traffic on the main estate access (footway and carriageway). As such, it has public amenity value.

- The applicant proposes a variable crown reduction which both reflects the slight asymmetry and seeks to retain the tree in harmony with its surroundings, without excessive loss of foliar mass.

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.

- If the work is undertaken to a good 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.

Recommendations:

- I recommend CONSENT for this application, subject to the following conditions being applied

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary

Conservation Area

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.

Reasons: In the interests of the trees 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, 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 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.