

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: AW/303/18/TC

LOCATION: 35 Kingsway & 70 The Drive
Aldwick
PO21 4DH

PROPOSAL: Crown reduction of 1.5m to 1No. Wingnut Tree. Crown reduction of 2m to 1 No. English Oak tree within the Craigweil House, Aldwick conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located at the front of 35 Kingsway and 70 The Drive.
SITE CHARACTERISTICS	Dwellings with gardens to front and rear.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

BR/14/55	Detached Bungalow And Garage	Approve 07-02-55
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History noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council:
No response from Aldwick Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

- Both trees appear to be generally healthy and stable with attractive crown profiles, despite significant past modification.
- They are prominent roadside, as such highly visible from nearby dwellings and to traffic accessing/exiting the estate.
- Following a desktop review, our records indicate that both trees are the subject of an Order and I make my recommendations on that basis.
- T1 has effectively been pollarded and responded with vigour. Repeat work will become necessary throughout its lifespan to ensure it remains in a structural condition appropriate for its location.
- T2 has also been the subject of severe crown reduction work, from which it appears to have 'grown-on' well and now supports an attractive crown profile.
- Whilst appearing to be generally healthy, there are numerous large irregular mechanical wounds on the main stem and scaffold limbs. The most obviously significant of those are on the roadside limb that has borne the brunt of successive high-sided vehicle impact.

Conclusions:

- T1 - The work proposed is necessary to mitigate risk of structural failure and so justified on arboricultural grounds. While a temporary loss of aesthetic value is inevitable, satisfactory canopy renewal and recovery should occur if the work is undertaken to a high standard and at an appropriate time of year.
- T2 - The work proposed is justified and if undertaken to a high standard will not incur a noteworthy loss of amenity value to the surrounding area.
- The removal of dead branches is an exception and does not require permission.

Recommendations:

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

Conditions To Be Applied to All Approved Works: -

- 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.
- 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.
- The long-term vitality of the trees is best respected when significant work such as proposed, is undertaken during either the mid-summer (mid-June to mid-September) or mid-winter (mid-December to mid-February) periods.

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.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

DEVELOPMENT PLAN POLICES

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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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 it is recommended there be no objection to the proposed works.

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

NO OBJECTION

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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 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.