

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

REF NO: AW/321/17/T

LOCATION: 88 Westminster Drive
Aldwick
PO21 3RE

PROPOSAL: Front Garden - T1 - Fell multi-stem Maple (*Acer campestre*)
Back Garden - T2,T4,T5,T6 - Oak (*Quercus robur*) *Fuligo septica* at base of tree,
remove minor dead wood throughout tree
Back Garden - T3 - Maple (*Acer Campesta*) 3m overhang from boundary cut back
by 1.5m from neighbouring property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	T1 is located in the front garden whilst T2,T3,T4,T5,T6 are situated in the rear.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/296/11/T	Various tree surgery to 4 no. Field Maple trees & 4 no. English Oak trees	ApproveConditionally 11-01-12
AW/191/97/T	Various tree surgery to 4 No. Field Maple & 4 No. Oak trees	ApproveConditionally 05-02-98

Relevant Planning History Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council provided no response
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

T1- Field Maple, T2,T4,T5,T6- Oak , T3-Field Maple

(T1) Dominant stem has a complex crown- break at 2m ht. which has recently undergone partial failure- shedding a relatively large scaffold limb and revealing significant decay. Remaining in tact scaffold limbs have been truncated to compensate this. An irregular open cavity near ground level suggests a loss of structural integrity in the main stem. This tree occupies a small distal part of private verge extant from the enclosed garden and largely given over to ornamental shrubs, beneath the spreading crown of a maturing pedunculate oak (T2)

The immediately adjacent smaller stem has a pronounced kink in its main stem at 2m ht and is of moderate-poor form. Its asymmetric crown profile is a result of long standing suppression by neighbouring trees, with no realistic chance of recovering an attractive shape.

(T2,T4,T5,T6)- The local planning authority's consent is not required for the removal of dead branches from a tree subject an Order.

(T3) This tree has been heavily suppressed on the East and West aspects, as a consequence it has erratic form with no realistic chance of recovering an attractive shape. It is only visible with difficulty and provides very little amenity value.

Conclusions

(T1) This tree now possesses poor form and has a number of significant structural defects that make it unviable for safe long term retention. Its location next to a public footpath and classified road necessitates its removal. The lesser subsidiary stem (neighbouring tree of the same type?) left in isolation would not provide noteworthy amenity, having poor aesthetic value. For practical purposes both trees can be regarded as forming T1.

(T2,T4,T5,T6) no consent is required for the works proposed.

(T3) There is no reason to object to the work proposed (despite it significantly reducing the crown volume) as the loss of this tree would not have a detrimental effect on the overall trees amenity locally.

Recommendations

I recommend consent for the works in the application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order

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 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 comments from the tree officer, it is recommended that consent be approved subject to the following informatives.

HUMAN RIGHTS ACT**FOR APPROVAL**

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

- 1 **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.
- 2 **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.