

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

REF NO: AW/322/19/T

LOCATION: Strawberry Cottage
Cypress Way
Aldwick
PO21 4DF

PROPOSAL: Reduce laterals on northside away from property by 2-3m to 1 No. Field Maple tree. Reduce 2 tops height by 6m and remainder limbs up to 2m to match and deadwood 1 No. Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the site of Strawberry Cottage Cypress
SITE CHARACTERISTICS	Commercial
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/297/19/HH Addition of a first floor and carport with 1st floor.

AW/281/19/T Reduce circumference by 3m and pollard by 3m 1 No. Turkey Oak tree. Reduce circumference by up to 3m away from property 2 No. Field Maple trees.

AW/287/12/T	Fell 1no. Sycamore tree	ApproveConditionally 10-12-12
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AW/15/10/T	Surgery to various trees	ApproveConditionally 08-03-10
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Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

No Objections

No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

All trees appear from distance to be in a fair physiological state and generally stable. They are highly visible from surrounding property and in part from publicly accessible land.

- The multi-stemmed oak has lost a large portion of its dominant central leading stem, from which a healthy quantity of epicormic growth has established. Small branches and twigs growing from outer limbs display low-moderate density of shoots/buds. The crown profile is open, irregular and would benefit from a slight reduction to encourage balanced canopy renewal and greater visual amenity.

· The group of five field maple are an attractive feature, that rely on each other for mutual support. The northernmost tree is the obvious and intended subject of the application, being nearest to the dwelling.

· The removal of dead branches is an exception and does not require permission or notification from/to the local planning authority.

Conclusions:

· All work proposed is justified on arboricultural grounds. These are prominent trees of public and visual amenity and are to be carefully pruned to maintain reasonable enjoyment of residential property and with respect for natural tree form.

· Oak TPO ref. T-269 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.

Recommendations:

· I recommend CONSENT for this application, subject to the following condition

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary

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.

Field maple TPO ref. G-271 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 both trees is best respected when significant pruning work such as proposed, is undertaken during either the late-spring to summer (May to August) or mid-winter (late-December to early- February) periods. The work must only be undertaken during these periods.

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.