

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

REF NO: AW/328/20/T

LOCATION: 7 Follett Close
Aldwick
PO21 4XH

PROPOSAL: T95, T96, T97 & T98 crown lift (removal/reduction of low branches) to achieve no more than 3metres overhead clearance on all aspects.
T95 & T98 only reduce top-height only to leave a minimum of 12metres above ground level.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 7 Follett Close.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
None.	

REPRESENTATIONS

No objection from Parish Council.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Outwardly and from distance all four trees appear to be in a fine physiological state and stable. They form a substantial group canopy which is visually impressive when viewed from within the garden and surrounding properties. Upper crown profile can be seen from publicly accessible land.

T97 is the northernmost birch, approximately 16m height with a uniform and unmodified crown. It displays all the mature characteristics of the species and is a fine specimen tree. T96 is also a single-stemmed tree with fine form and slightly apart from the group although less so than T97.

T95 and T98 are similarly unmodified and important constituents of the group although they are of lesser form and markedly inferior.

Although a large garden which comfortably accommodates these trees; ground conditions are influenced by heavy shading and damp conditions seem to prevail. It seems reasonable to permit a degree of pruning to improve those conditions although must be focused on selected trees rather than applied to the entire group, if we are to preserve visual amenity as the Tree Preservation Order intended.

The removal of dead branches is an exception and does not require permission.

The extent of height reduction proposed is not possible to interpret given the disparity with my own estimation of existing top-height.

Conclusions:

These trees (in particular T97) require careful management that respect their age and vulnerability to environmental changes and disease progression.

Height reduction proposals cannot be properly interpreted from the measurements provided. That said, I would be comfortable with some reduction pruning on T95 & T98 and I make suggestions for a revision of the work proposal below.

The removal of low branches to achieve 4m clearance above ground level is not justified on arboricultural grounds and exceeds that which is recommended in the British Standard (BS3998:2010) Tree work - Recommendations. Lesser works would be suitable, and I make suggestions for a revision of the work proposal below.

Recommendation:

As it stands, I recommend REFUSAL for this application

I would like the applicant to be invited to agree to a revised proposal for lesser works (such as described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing their concerns whilst preventing a diminution of the higher value trees landscape and public amenity value:

T95, T96, T97 & T98

Crown lift (removal/reduction of low branches) to achieve no more than 3metres overhead clearance on all aspects.

T95 & T98 only

Reduce top-height only to leave a minimum of 12metres above ground level.

If the applicant is prepared to re submit in line with this advice, then I would be able to recommend APPROVAL subject to the following condition.

Condition to Be Applied to Approved Work :

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.

-See also the standard pruning guidance notes issued with the consent letter

Advisory

Birch trees have a poor tolerance of hard pruning and are prone to bleed heavily from wounds. Their long term vitality is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid winter (late December to early February) periods. The work should only be undertaken during these periods.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

DEVELOPMENT PLAN POLICIES**PLANNING POLICY GUIDANCE:**

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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/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 (granted), subject to the following conditions and informatives.

Applicant has accepted tree officers recommendations, so application can be approved subject to the following conditions.

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: See also the standard pruning guidance notes issued with the consent letter
- 3 INFORMATIVE: Birch trees have a poor tolerance of hard pruning and are prone to bleed heavily from wounds. Their long term vitality is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid winter (late December to early February) periods. The work should only be undertaken during these periods.
- 4 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.
- 5 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.