

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

REF NO: AW/332/19/T

LOCATION: 110 Barrack Lane
Aldwick
PO21 4DZ

PROPOSAL: Remove branches overhanging neighbouring garage by a maximum of 2m 1 No. Evergreen Holm Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/281/16/T	Reduce crown of 1 No. Holm Oak by a maximum of 2m.	ApproveConditionally 09-11-16
AW/1/06/T	Prune back growth from overhanging bough of 1 Evergreen Oak tree by 15%.	ApproveConditionally 21-02-06
AW/56/05/T	Lop 4 no. Oak trees	ApproveConditionally 11-05-05
AW/167/14/T	Crown reduce 1 No. Holm Oak by a maximum of 2 metres and reduce side lateral branches overhanging neighbours property.	ApproveConditionally 14-08-14

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:

- This tree appears outwardly healthy and stable, with a dense crown formed on multiple stems. It is an important constituent of a group (x4) of similar aged trees with a shared crown profile.

- These trees form an impressive landscape feature and are highly visible from surrounding properties and to users of the busy public highway (footway and carriageway).

· There is adequate clearance of built structures although the extent of branches overhanging the boundary with 1 Colts Bay is not insignificant.

Conclusions:

· This is a tree of significant public and visual amenity and is to be carefully pruned to remain in harmony with residential property and with respect for natural form.

· The proposal to reduce selected branches on a specific aspect to maintain reasonable clearance of adjacent property is justified and consistent with previous works approved by the Local Planning Authority.

Recommendations:

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

Condition to Be Applied to Approved Work: -

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, is it recommended consent be approved subject to 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 Part a) 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

Part b) 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.

Part c) 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.

Reasons: In the interest of the tree's 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.