

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

REF NO: AW/332/20/T

LOCATION: 54 Pinehurst Park
Aldwick
PO21 3DX

PROPOSAL: Reduce height and spread of 2 No. Poplar Trees (G9) to 9m high by 2 m spread.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 54 Pinehurst Park.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/153/20/T	Crown reduction of 2 No. Poplar trees to height 5m and spread 3m.	Refused 26-08-20
AW/40/14/T	2 no. Poplar trees - Reduce and reshape crowns by 8m to leave trees of 9m in height.	ApproveConditionally 04-04-14
AW/50/02/T	Lopping of 2 no. Poplar trees.	ApproveConditionally 14-05-02
AW/14/02/T	Fell two Poplar Trees.	Refused 01-03-02
AW/111/94/T	Pollard two poplar trees	ApproveConditionally 30-09-94

Relevant planning history noted.

REPRESENTATIONS

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

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

I have considered this application by means of a desktop review, using the information and plans submitted as well as online resources. It is essentially a re-submission of AW/153/20/T with amended work specification as advised.

Both trees are the subject of TPO/P/1/78 (Group 9). Outwardly and from a distance they appeared to be in a fine physiological state at the time of my inspection (August 2020). They have previously been the subject of reduction pruning, involving stem truncation at around 9m height (c.2014).

Further reduction pruning will be necessary throughout the remaining lifespan of these trees, to achieve a reasonable degree of structural integrity appropriate for their location.

The applicant proposes crown reduction to improve light levels to properties although the majority of their crown spreads are to the north and their existing height is proportionate to their size and distance from dwellings. That said, they will be exerting considerable influence on ground conditions by virtue of their established and extensive root systems.

The applicant has also indicated concern about the potential for these trees to fail. My own restricted ground-level visual assessment did not reveal any obvious signs of pathogen activity, structural defect or root-plate displacement to suggest either could be wholly structurally unsound and/or present an unacceptable level of risk for its location.

Conclusions:

The proposal to reduce their overall height and spread with a view to restricting growth is in principle justified and consistent with previous works approved by the Local Planning Authority.

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.

Recommendation:

I recommend CONSENT for this application, 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.

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 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:

The long-term vitality of these trees is best respected when significant pruning work such as proposed, is undertaken during the mid-winter (late-December to early-February) period. The work should only be

undertaken during this period.

Although not obviously a subject of dispute or contention, the applicant states that these trees may be under shared ownership by virtue of their having grown to be either side of a boundary line. In such cases, it is usually determined that where the majority of stem base exists on whatever side, pertains to ownership. If considered to be so, we are obliged to advise the applicant that any consent granted by the Local Planning Authority does not by association give authority to undertake the proposed work from/or cut back material to beyond the property boundary, without first seeking permission from the tree owner.

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.

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.
 - 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 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: The long-term vitality of these trees is best respected when significant pruning work such as proposed, is undertaken during the mid-winter (late-December to early-February) period. The work should only be undertaken during this period.

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not by association give

authority to undertake the proposed work from/or cut back material to beyond the property boundary, without first

seeking permission from the tree owner.

- 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.