

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

REF NO: AW/342/20/T

LOCATION: 8 Arun Way
Aldwick Bay Estate
PO21 4HF

PROPOSAL: Removal of dead wood from 3 No Silver Birch (T1,T2 and T4)
Removal of dead wood from 1No. Oak (T3)
Removal of dead wood from 2No Lombardy Poplars (T6 and T7)
Crown reduction of 4 No Purple Beech (T5) to height of 17m and spread of 8m, a spread of 8m Crown reduction of 2 No Persian Ironwood (T8) to height and spread of 4m , (T11) to a height and spread of 4m and a crown lift to T9, T10, T12 on north aspects only to provide maximum 5 metres overhead clearance above carriageway.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 8 Arun Way.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/194/19/T	Fell 26 No. Leylandii trees along North and West boundary.	Withdrawn 08-08-19
AW/214/17/T	Various works to various trees.	ApproveConditionally 06-09-17
AW/180/16/T	Reduce lateral growth by up to 3m to a height of 5m from the ground to 4 No. Purple Beech trees & 1 No. Monterey Pine tree.	ApproveConditionally 29-07-16
AW/167/13/T	Fell 15 No Leylandii trees and reduce crowns of 30 No Leylandii trees to 6 metres	ApproveConditionally 29-08-13

Relevant planning history noted.

REPRESENTATIONS

No comments from Parish Council.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

The removal of dead branches is an exception and does not require consent from the local planning authority, therefore we need not consider further, items T1 - T4 incl., T6 & T7.

T5 Beech / *Fagus sylvatica* Height: 10-15m Radial spread: 0-5m Age class: Early mature

T8 & T11 Persian ironwood / *Parrotia persica* Height: 5-10m Radial spread: 0-5m Age class: Early mature

T9 & T10 Beech / *Fagus sylvatica* Height: 15-20m Radial spread: 5-10m Age class: Mature

T12 Beech / *Fagus sylvatica* Height: 15-20m Radial spread: 0-5m Age class: Early mature

- The gardens which wrap around the house are densely populated on north and west aspects with established trees and lend an especially verdant feel to this part of the estate.

- T5 is discreetly located within the garden interior. Outwardly and from distance (roadside) it appears to be in a fine physiological state with evidence of past reduction of selected branches, presumably to restrict its influence over adjacent dwelling and garden.

- T8 & T11 are undoubtedly of visual interest and have characteristically erratic form, exacerbated by their situation beneath dominant beech (T9, T10, T12). Outwardly and from distance (roadside) they appear to be in a fine physiological state.

- T9, T10, T12 grow prominent and equidistant along the north boundary and are collectively a significant feature with landscape value. Their unmodified upper crowns and apparent good health (restricted view of stem base/ground) qualify them as trees of high amenity value.

Conclusions:

· The majority of work proposed is justified on arboricultural grounds.

- T5, T8 & T11 - 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.

· Notable exception is that proposed for T9, T10, T12. Collectively and individually these trees are a significant feature in the local landscape and assumed to be in adequately sound and healthy condition.

The tree surgery proposed in the

application would result in excessive reduction of their landscape impact and undue detriment to the visual amenities of the locality.

Recommendations:

· 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 trees (T9, T10, T12) landscape and public amenity value:

- T9, T10, T12 Replace crown reduction proposal with crown lift on north aspects only to provide maximum 5metres overhead clearance above carriageway.

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

COMMENTS ON CONSULTATION RESPONSES:

The agent on the application has confirmed they agree to the recommended reduced scheme.

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, 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.

Reasons: In the interests 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.