

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

REF NO: AW/346/18/T

LOCATION: 36 Kingsway and 41 The Drive
Aldwick

PROPOSAL: Crown reduction of 2 - 2.5m to 1 No. Oak tree. Crown reduction of 3m to 1 No. Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are situated at the properties of 36 Kingsway and 41 The Drive.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/348/15/TC	Reduce crowns of 2 No. Oak trees overall by 2-2.5m within the Craigweil House Conservation Area.	No Objection 26-01-16
AW/42/07/T	Raise crowns by 1 metre and trim back to previous pruning points, equivalent of 20% of overall crown to 2No Oak trees.	ApproveConditionally 20-03-07
AW/12/03/T	Raise lower crown of 1 Oak tree and reduce spread over house.	ApproveConditionally 28-03-03
AW/237/00/T	Fell 1 no. Sycamore tree. Reduce crown of 2 Oak trees by 25%.	ApproveConditionally 22-12-00
AW/130/98/T	Reduce height and shape 1 Copper Beech tree. Trim off dead tops of 3 Oak trees.	ApproveConditionally 02-10-98
AW/300/18/TC	Fell 1No. Field maple Tree within the Craigweil House, Aldwick Conservation area.	No Objection 18-12-18

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council provided no response
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments
2x Pedunculate oak / Quercus robur Age class: Mature

Outwardly and from a distance both trees appear to be in a fine physiological state. They grow alongside and to the rear of property and can be seen from neighbouring dwellings. They are visible in part to traffic and contribute to the high canopy locally for which this area is recognised.

Conclusions

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 and visual amenity.

Recommendations:

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

Conditions 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 (ref.C) 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 this tree (ref.C) 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 (January to mid-February) periods.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Conservation Area
Tree Preservation Order

DEVELOPMENT PLAN POLICES

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 comments from the tree officer, it is recommended consent be approved subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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: BS3998:2010.
Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 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.
- 3 The removal of crown material which has development since the last operation (ref C) 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 trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 4 The long term vitality of this tree (ref C) is best respected when significant pruning work such as proposed is undertaken during either the late-spring to summer (May-August) or mid-winter (January to mid February) periods.
Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 5 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.
- 6 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.