

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

REF NO: AW/354/20/T

LOCATION: 4 The Spinney
Aldwick
PO21 3RL

PROPOSAL: To reduce 3 No. Maple Trees (T2) lateral branches to 6.5m, which are overhanging garage by 1.5 metres.
To reduce 1 No. Oak Tree (T1) lateral branches to 7m spread.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 4 The Spinney.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/233/10/T	Lop overhanging branches & improve balance & shape of 1no Oak & 2no. Maples at 4 The Spinney & 1no Oak at 1 Ripon Gardens	ApproveConditionally 23-11-10
AW/62/05/T	Radial reduction 20% maximum of 1 Oak Tree.	Refused 05-05-05
AW/207/05/T	Reduction of 1 No. Oak tree.	Refused 28-09-05

None.

REPRESENTATIONS

Aldwick Parish Council - No Objection.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer's Comments:

Outwardly and from distance all trees appear to be in a fine physiological state (and assumed to be so in the absence of any information/evidence provided to the contrary).

T1 has slight asymmetric form and with evidence of past pruning to accommodate buildings. Negligible crown extension over patio and with lateral spread towards house/garage approximately 7metres; pruning to the extent described will be minimal and should not have any detrimental effect on the tree.

T2 as 3 of 4 maple in a tight group. Shared crown profile with evidence of past pruning to accommodate buildings. Minor pruning of one aspect to achieve long-term clearance so ought not to have any detrimental effect on the trees.

All subject trees have public amenity value and pre-date construction of the adjacent dwelling. They are important constituents of an established long (broken) line of trees which help define the character of the area and represent a significant public amenity.

Conclusions:

The work proposed is justified on arboricultural grounds. It proposes light pruning of selected small branches to maintain reasonable enjoyment of residential property and with respect for natural tree form.

If undertaken to a high standard and at the right time; it is unlikely to have an adverse effect on the trees long-term vitality.

Recommendation:

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

Condition to Be Applied to Approved Work: -

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.

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.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

2km Buffer for SSSI

Pagham Harbour Zone B

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 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

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: 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.
- 4 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 0345 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.