

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

REF NO: AW/38/20/T

LOCATION: 68 The Drive
Aldwick
PJO21 4D

PROPOSAL: Crown reduction to 1 No. Oak tree to height and spread 8 - 8.5m within the Craigwell House, Aldwick Conservation area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the grounds of 68 The Drive.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/331/14/TC	Various tree surgery.	No Objection 09-01-15
AW/289/14/TC	Fell 1 No Holly tree, 1 No Lawson Cypress tree and 1 No Holm Oak tree within the Craigwell House Conservation Area.	No Objection 12-12-14
AW/27/12/T	Fell 1 No Horse Chestnut Tree	ApproveConditionally 30-03-12
AW/253/08/T	Surgery to two Oak trees	ApproveConditionally 08-01-09
AW/77/95/T	Removal of deadwood and die back to 3 No. Oak trees	Approve 14-07-95
AW/47/90/T	Lop and Top Ash Tree (Kingsway), Top 2 Horse Chestnut Trees (Queensway), Lop and Top one Beech	ApproveConditionally 14-05-90

Tree and one Lime Tree and fell one Oak Tree (The Drive).

Relevant site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Members sent no objections but expressed a wish that the Arun Arboriculturist is consulted regarding the application and that his decision/recommendations is applied.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Pedunculate oak / Quercus robur Approx. height: 11m Average spread: 6m Age class: Mature

The above tree is the subject of a preservation Order (Bognor No.2) as well as being in a Conservation Area. The TPO should be the primary consideration and it is important that we make that distinction clear to the applicant (although from their application form ((sect.5)) it seems they may already be aware), as significant implications around permitted actions will apply.

It appears to be under significant physiological distress evidenced by; weak upper-crown shoot extension, epicormic growth response across limb and branch framework, dieback from several truncated scaffold limb ends and of small branches. This is symptomatic of root dysfunction, which may be related to recent (<5yrs) hard landscaping/construction work within its primary rooting area.

It has previously been the subject of crown reduction work from which it has only been able to respond erratically; some pruning points have failed to develop any sustainable extension growth while others have attained 3metres. I suspect some of that will be associated with exposure to prevailing wind direction. Despite all that and in the absence of any obvious pathogen(s), being an oak, it is hanging-on tenaciously and still presents a suitably attractive crown profile.

It grows at the front of the property and is highly visible from surrounding properties and to traffic (vehicular and pedestrian) accessing/exiting this part of the estate. It remains viable for safe, long-term retention despite its recent travails. As such, it has high public amenity value and certainly makes a positive contribution to the character of the area.

Repeat operations such as now being asked for (albeit to a lesser extent and certainly not beyond the established knuckles) by the applicant will be necessary throughout the remaining lifespan of this tree, to achieve a reasonable degree of structural integrity appropriate for its location. That said, given its present condition I cannot envisage this being necessary for at least two years hence. In any event, the success of future applications for substantive pruning will be largely determined by the extent of new growth throughout the crown and associated improvements in vitality.

The removal of dead branches is an exception and does not require permission.

Overhead and lateral clearance of branches above garden and from built structures is adequate. The tree appears to be in proportion and harmony with the dwellings either side.

Conclusions:

- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. The tree work proposed in the application has not been justified on arboricultural grounds.
- The proposal to reduce its height and lateral spread to the stated dimensions does not comply with 'British Standard (BS3998:2010) Tree work - Recommendations' and would be likely to result in harm to the health and vitality of the tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built Up Area Boundary
2km Buffer for Site of Special Scientific Interest
Pagham Harbour Zone B
Within the Conservation Area
Tree Preservation Orders

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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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 of the tree officer it is recommended the application is refused.

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

REFUSE

- 1 - This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. The tree work proposed in the application has not been justified on arboricultural grounds.

- The proposal to reduce its height and lateral spread to the stated dimensions does not comply with 'British Standard (BS3998:2010) Tree work - Recommendations' and would be likely to result in harm to the health and vitality of the tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape.