

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

REF NO: AW/3/22/T

LOCATION: 70 The Drive
Aldwick
PO21 4DS

PROPOSAL: 2 No. Oak trees - Crown thin by 20% and remove deadwood.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are located to the front of the property, close to the boundary.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/303/18/TC	Crown reduction of 1.5m to 1No. Wingnut Tree. Crown reduction of 2m to 1 No. English Oak tree within the Craigweil House, Aldwick conservation area.	No Objection
AW/139/09/T	Reduce crown of 1x Oak tree by approx 15%, balance crown & remove deadwood	ApproveConditionally 18-09-09
AW/95/15/TC	Reduce new top growth by 300 mm & lateral growth by 200mm to 5 No. Leylandi, 1 No. Goat Willow, 1 No. Macrocarpa, 1 No Tamarisk, 1 No. Bay & 1 No. Pitasporum within the Craigweil House Conservation Area.	No Objection 18-05-15
AW/74/15/TC	Reduce crowns of 5 No. Leylandi trees by .6m & reduce west side back to boundary wall within the Craigweil House Conservation Area.	No Objection 20-04-15
AW/282/87/T	Lop and shape two Oak trees	ApproveConditionally 30-11-87

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No response

One objection from nearby occupiers:

- Both of the oaks subject of this application are owned by Craigweil Private Estate, of whom do not support the application for the canopy thinning of either of these trees.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

Whilst both trees are within a Conservation Area they are also subjects of Tree Preservation Order (Bognor No.2). The TPO takes precedence and my report is written on that basis.

Historic crown reduction pruning (abrupt truncation of scaffold limbs) has left T2 especially with erratic form although both appear generally stable, free from obvious structural defect and in fair physiological condition at this time.

They are prominent at the front of the property and can be clearly seen from numerous residential dwellings and to users of the estate roads. As such, they have public amenity value.

Conclusions:

Although well-intentioned, I find the proposal for crown thinning work has not been justified on arboricultural grounds. These are important trees of character which tolerate hostile conditions and must be carefully managed to sustain good health and vitality.

Crown thinning may lead to altered wind loading on the tree which can be damaging, so must only be undertaken where a clear health or safety benefit has been established.

The removal of dead branches is an exception and does not require consent from the local planning authority.

Recommendation:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built Up Area Boundary

TPO
Conservation Area
Pagham Harbour Zone B
2km Buffer for Site of Special Scientific Interest

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 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 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 The proposal for crown thinning work has not been justified on arboricultural grounds. These are important trees of character which tolerate hostile conditions and must be carefully managed to sustain good health and vitality. Crown thinning may lead to altered wind loading on the tree which can be damaging, so must only be undertaken where a clear health or safety benefit has been established.