

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

REF NO: AW/410/21/T

LOCATION: 49 Old Place
Aldwick
PO21 3AX

PROPOSAL: 1 No. Oak tree (T1) - crown reduction of approx. 3m. to height 17m and width 20m. 1 No. Leylandii (T2) - fell.

SITE AND SURROUNDINGS

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

RELEVANT SITE HISTORY

AW/364/15/T	Remove 1 No. Oak	ApproveConditionally 07-03-16
AW/197/06/T	Lop and top 2no. Oak trees and 1no. Field Maple tree.	ApproveConditionally 27-10-06

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No Objection.
- Members agreed that the Arun Arboriculturist is consulted regarding the application and that his recommendations/decision be applied.

One no objection received from nearby occupiers:
- Support towards the application but does not feel the tree is being reduced enough. The tree blocks sunlight in the garden and raises fears that it may cause potential damage to neighbouring properties during severe winds. Would prefer the tree was reduced even more.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

T1 Oak is the subject of TPO Bognor No2 and TPO/AW/151/10.

T2 Cypress is not the subject of any TPO or of such merit to meet criteria for the making of a new Order and is not considered further in this report.

Outwardly this tree appears to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary. It is a large and imposing presence over the garden.

There is evidence of past crown reduction pruning with 2-3metres growth. This is not entirely consistent with the last recorded operation (c2006).

Repeat operations such as now being asked for 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.

It grows at the rear of the property and can be seen from neighbouring dwellings but has only limited visibility from publicly accessible land. Nonetheless it is an important constituent of an established collection of mature oak which help define the character of the area and represent a significant public amenity.

Conclusions:

The proposal to reduce overall height and spread with a view to restricting its growth is justified and consistent with previous works approved by the Local Planning Authority.

If undertaken to a high standard and at the right time, it is unlikely to have an adverse effect on the tree's long-term vitality and visual amenity.

Recommendation:

I recommend CONSENT is granted subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built Up Area Boundary

TPO

Pagham Harbour Zone B

2km Buffer for Site of Special Scientific Interest

DEVELOPMENT PLAN POLICIES**PLANNING POLICY 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.

The removal of crown material which has developed since the last operation 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 tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 INFORMATIVE: The long-term vitality of the oak tree is best respected when significant pruning work such as proposed is undertaken during the late spring to summer period (May to August).
- 3 INFORMATIVE: In respect of T1 Oak, the applicant is aware of 3rd party ownership of this tree, nevertheless we are obliged to advise that any consent granted by the Local Planning Authority does not by association permit the applicant to undertake the approved work without first gaining permission from the tree owner.
- 4 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.
- 5 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.