

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

REF NO: AW/42/22/T

LOCATION: 64 The Drive
Aldwick
PO21 4DT

PROPOSAL: 1 No. Oak tree (T1) - Crown reduction to height 7m and spread 5.5m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees are situated around the boundary line to the front of the property.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/49/22/TC 1 No. Beech tree (T3) - Crown reduction to height 4.5m and spread 3.5m and 1 No. Sycamore tree (T4) - Crown reduction to height 5m and spread 4.5m within the Craigwell House, Aldwick Conservation area.

AW/59/16/T Surgery to 1No. Oak tree

Relevant planning history noted.

REPRESENTATIONS

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

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

T1 - Becoming discreet due to erratic and poor form. Possesses ecological value but of low amenity.

T2 - Despite historic crown damage it has developed a strong limb and branch framework with an attractive crown profile. Whilst imperfect unions exist, it is young enough to assimilate those and gain structural integrity as it develops towards maturity. It appears stable and in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary. It makes a significant contribution to the street scene and so has amenity value.

Conclusions:

T1 - Proposed work should facilitate improved crown form and enhance longevity. There will be no loss of amenity on completion provided the work is undertaken to a high standard and at the right time.

T2 - There is no obvious arboricultural justification for the work proposed. Crown reduction work would spoil its natural looking form in the short-term and initiate vigorous regrowth throughout the crown interior. Although it has been subject to historic crown damage, due to its age and condition it has been able to 'grow out' satisfactorily and could mature into a tree of high amenity value.

Recommendation:

As it stands, I am unable to support this application. I would like the applicant to be invited to agree to remove T2 from the proposal as part of the current application so as not to incur further delay.

If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Agent agreed to remove T2 from the application in line with the Tree Officer's recommendation.

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 and agreed change of proposal with the Agent, 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.

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 optimum time to undertake significant pruning such as proposed is during the late spring to summer period (May to August).
- 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.