

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

REF NO: AW/50/22/T

LOCATION: 11 Hunters Close
Aldwick
PO21 4HR

PROPOSAL: 1 No. Tilia tree - Reduce top height to leave a minimum of 12m and radial spread to leave a minimum of 4m on all aspects.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located on a plot of land to the front of the property.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/196/18/T	1No Lime - Reduce or remove branches as necessary to achieve a maximum of 3m overhead clearance on all aspects. Reduce or remove branches as necessary to achieve a maximum of 5m overhead clearance directly above the carriageway.	ApproveConditionally 16-10-18
AW/138/08/TC	Application to fell 1 no. Quercus Ilex tree within the Aldwick Bay Conservation area.	No Objection 23-06-09
AW/118/07/TC	Application to fell 1 x Prunus Tree & 1 x Lawson tree within the Aldwick Bay Conservation Area.	No Objection 15-06-07
AW/116/02/T	Application for the Lopping/Crown lifting of 1 lime tree	ApproveConditionally 24-09-02

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No Objection

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

This tree appears to be in a fine physiological state and has an attractive crown profile. It occupies a discreet position on the estate but is a prominent feature within the close and visible from surrounding properties.

Stem unions are imperfect due to tight formation. Although probably strong currently, the risk of separation grows as the size and weight of crown increases. It is probably too late for any formative pruning to retard subordinate stems/limbs and so a degree of containment pruning will be necessary.

The consultant arboriculturist recommended a 30% reduction. What is currently proposed equates to a reduction of 50% in crown volume when one considers crown height begins at 3m above ground level and assumes ultimate 5m spread is radial rather than diametrical.

It is accepted that significant pruning is necessary to mitigate a developing risk of stem failure and to preserve this tree's place in the landscape, albeit with diminished amenity value. Somewhere in the 30-40% range would be a suitable compromise between tree health impact and practicality of operation.

Conclusion:

The fundamental reason for this work is sound although the proposed extent of crown volume loss is excessive and should be reduced to increase the tree's tolerance of pruning and preserve visual amenity.

Recommendation:

As it stands, I am unable to support this application. I would like the applicant to be invited to agree to a revised proposal for lesser works (described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing their concerns whilst preventing excessive diminution of the tree's landscape and amenity value:

'Reduce top height to leave a minimum of 12m and radial spread to leave a minimum of 4m on all aspects.'

If the applicant agrees to the above proposal, then I would be able to recommend APPROVAL subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Agent agreed to revised proposal for lesser works.

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 specification 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.

T3 Lime should be uniformly reduced in height and spread to leave a balanced structure on completion as shown in Figure 4 of BS3998:2010. Final dimensions of the tree should be a minimum of: Height 12metres, Radial spread 4m on all aspects.

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 this 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: 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.