

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

REF NO: AW/51/20/T

LOCATION: Land between 89-91 Westminster Drive
Aldwick
PO21 3RE

PROPOSAL: Crown reduction by 1.5m to 2 No. Field Maple trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located on the land between 89 and 91 Westminster Drive
SITE CHARACTERISTICS	Grass Verge
CHARACTER OF LOCALITY	Residential

No relevant site history.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council

Paris Council: no objections

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

- The applicant has employed County Tree Surgeons Ltd as agent, to prepare and submit a tree survey schedule and site plan. This is comprehensive and includes an assessment of both trees condition, with which I concur.
- They are important constituents of an established long line of trees (predominantly oak and field maple) which help define the character of the area and represent a significant public amenity. They are of such proximity to one another that they will derive great benefit from root and crown cohesion and present an attractive shared crown profile - visible from surrounding residential properties and to users of the public highway (footway and carriageway).

- Building and property clearance is adequate. No evidence to suggest either tree presents an unacceptable level of risk at this time, although minor structural defects and wayward form (T1) could foreseeably deteriorate in the medium-term.

- Ordinarily we would seek to establish and headline the crown dimensions post-pruning, although the detailed tree survey schedule allows all interested parties to determine that which is to be achieved.

Conclusions:

- The work proposed represents prudent management that can be achieved without undue detriment to visual amenity and so is justified on arboricultural grounds. It seeks to strike a balance between the tree's influence and potential impact on surrounding residential property and the need to retain trees with dignity by having respect for natural tree form.

- If the work is undertaken to a high standard and at the optimum time, then the trees should be able to remain a long-term visually interesting feature in the local landscape.

Recommendations:

- I recommend CONSENT for this application, subject to the following condition:

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

2km Buffer for Site of Special Scientific Interest

Pagham Harbour Zone B

Aldwick TPO's (Historic)

Within the Built Up Area Boundary

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 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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

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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 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.
- 2 Part a) 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

Part b) 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 interests of the trees continued health and vitality and to accord with current

industry guidelines and sound arboricultural practice.

- 3 **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 0845 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.