

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

REF NO: AW/52/22/T

LOCATION: 70 The Drive
Aldwick
PO21 4DS

PROPOSAL: Various works to 2 No. Oak trees.

SITE AND SURROUNDINGS

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

RELEVANT SITE HISTORY

AW/3/22/T	2 No. Oak trees - Crown thin by 20% and remove deadwood.	Refused 14-02-22
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. AW/3/22/T for similar works to 2 No. Oak Trees was refused, as it was not justified on arboricultural grounds. This application is an amended proposal to this.

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

I have considered this application by means of a desktop review, using the information and plans submitted as well as online resources. Previous consideration from site and familiarity with surrounding areas provides further insight to the proposal.

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:

The proposed work has been justified on arboricultural grounds and will incur no loss of amenity.

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

Recommendation:

I recommend CONSENT is granted subject to the following condition:

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 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 interests of the trees' continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 **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.

- 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 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.