

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

REF NO: AW/5/20/T

LOCATION: 1 Seabrook Close  
Aldwick  
PO21 3UT

PROPOSAL: Crown reduction to 4 No. Oak trees to 16m (T1, T2), 15m (T3) 15m (T4).

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | As above                                                                          |
| TREES                      | The trees in this application are located within the grounds of 1 Seabrook Close. |
| SITE CHARACTERISTICS       | Dwelling                                                                          |
| CHARACTER OF LOCALITY      | Residential                                                                       |

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| <b>RELEVANT SITE HISTORY</b> |
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|             |                                                            |                                  |
|-------------|------------------------------------------------------------|----------------------------------|
| AW/77/16/T  | Various surgery to 3 No. Oak trees. No trees to be felled. | ApproveConditionally<br>29-04-16 |
| AW/304/11/T | Various tree surgery to 5no. Oak trees                     | ApproveConditionally<br>16-01-12 |
| AW/192/06/T | Surgery to 3no. Oak trees and 1no. Ash tree                | ApproveConditionally<br>22-09-06 |

Relevant site history noted.

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council

No objection

No representation from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

## CONSULTATIONS

Arboriculturist

### CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

T1 pedunculate oak / Quercus robur Height: 15-20m Spread: 0-5m Age class: Early mature

- Outwardly appears to be in a fine physiological state. Presents a slightly 'drawn-up' form having lost a co-dominant stem from near ground level. Previously the subject of crown reduction work, 1-2m new growth from pruning cuts.

T2 pedunculate oak / Quercus robur Height: 15-20m Spread: 5-10m Age class: Mature

- Outwardly appears to be in a fine physiological state. Previously the subject of crown reduction work, 1-2m new growth from pruning cuts. Nonetheless presents an attractive full crown-profile.

T3 & T4 pedunculate oak / Quercus robur Height: 10-15m Spread: 0-5m Age class: Early mature

- Outwardly they appear to be in a fine physiological state, although have erratic form due to mild suppression from neighbouring trees and past pruning work. 1-2m new growth from most recent pruning cuts. Nonetheless valuable constituents of the group.

· All grow alongside large residential plots. They are highly visible from surrounding properties and in part from publicly accessible land.

· Repeat crown reduction operations such as now being asked for by the applicant will be necessary throughout the remaining lifespan of these trees, to achieve a reasonable degree of structural integrity appropriate for their location.

Conclusions:

· Four trees evenly spaced in linear formation, which although the majority are not of exceptional value (T2 aside) collectively they represent an important landscape feature.

· T1 - The proposal to fell this tree has not been justified on arboricultural grounds. It has significant growth potential and is an important constituent of the tree group.

· T2, T3 & T4 - The proposal to reduce their overall height and spread with a view to restricting growth is consistent with previous works approved by the Local Planning Authority. If the work is undertaken to a high standard and at the right time, then the trees should be able to remain as long-term visually interesting features in the local landscape.

Recommendations:

As it stands, I recommend REFUSAL for this application.

Advisory:

· If the applicant is willing to amend their application to lesser works by removing the proposal Fell 1no. oak tree (T1) from the above description of works, then I would be able to recommend APPROVAL subject to the following condition being applied:

### COMMENTS ON CONSULTATION RESPONSES:

The Applicant has amended the application to fall in line with the comments of the tree officer. As such the works to T1 are now crown reduction as per the specification of T2.

## POLICY CONTEXT

2km Buffer for Site of Special Scientific Interest

Pagham Harbour Zone B  
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

Following the tree officers comments it is recommended consent is granted 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.

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| <b>RECOMMENDATION</b> |
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