

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

REF NO: AW/60/18/T

LOCATION: 1 Craigweil Manor
Aldwick
PO21 4AP

PROPOSAL: Crown lift No2. Grey Polars to achieve a 1-metre clearance between the lower canopy and the adjacent wall whilst removing any crossing and rubbing branches located throughout the canopy.

SITE AND SURROUNDINGS

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

RELEVANT SITE HISTORY

None

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Parish Council provided no response
No representation from nearby occupier
Conservation Area Advisory Committee provided no response

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments Noted

CONSULTATIONS

Arboriculturist
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments
T1 Holm oak *Quercus ilex* Height: Approx. 9 and 12 m Average spread: 5 and 6m Age: Early-mature
T2/T3 Grey poplar *Populus x canescens* Height: Approx. 7m (combined) Average spread: 4m (combined) Age: Early-mature

These trees are located to the rear of the property and are visible from the shoreline and adjacent property.

T1 - There are two holm oak in close proximity which enjoy a shared crown profile. It is not clear from the application which tree is proposed for crown reduction work although I assume it to be the most southerly (and smaller) of the two or perhaps both. There is no reason given for this work or obvious justification from my own ground-level observation.

It was not possible to comprehensively the larger of the two trees due to the proliferation of ivy growth and ground vegetation.

T2 - There was no established goat willow tree apparent at this location.

T3 - There are two grey poplars in very close proximity which enjoy a shared crown and root profile. They are acutely wind-pruned and have an erratic pruning history (evidence of past 'lopping' and partial crown reduction) but overall retain a visually appealing crown profile.

Conclusions:

There is insufficient information provided to justify the work for either holm oak (T1). In the absence of such, the tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality

There are a number of irregularities with the information provided, although the work proposed to T3 can be safely assumed as applying to both grey poplar (TPO group) without harmful consequence and is an appropriate specification.

Recommendations:

I recommend REFUSAL for the part of this application which proposes work (as specified) for T1.

I recommend CONSENT for the part of this application which proposes work (as specified) for T3.

Advisory:

The removal of dead branches is an exception and does not require permission.

The applicant could be asked to amend their application, to read as follows:

Tree: T1 (currently shown as T3 on their plan) - 2x Grey poplar

Work specification: Crown lift to achieve a 1-metre clearance between the lower canopy and the adjacent wall whilst removing any crossing and rubbing branches located throughout the canopy.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Conservation Area

Tree Preservation Order

DEVELOPMENT PLAN POLICES

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 comments from the tree officer and the agreed change of description with the applicant, it is recommended consent be approved subject to the following informatives.

HUMAN RIGHTS ACT

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

- 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 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.