

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

REF NO: AW/62/21/T

LOCATION: 20 The Fairway
Aldwick Bay Estate
Bognor Regis
PO21 4ES

PROPOSAL: Crown lift to 5m 1 No. Lombardy Poplar and remove deadwood.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located at 20 The Fairway, Aldwick Bay Estate.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/300/20/TPO	Reduce 1 No. Lombardy Poplar to height 16m and spread 7m and Crown thin by 20% within the Aldwick Bay Conservation area.	TPO Determined 17-12-20
AW/179/20/TC	Reduce 1 No. Poplar in height by 6m and crown thin by 20% final height of 12m within the Aldwick Bay Conservation Area.	
AW/123/15/HH	Front extension. This application affects the character & appearance of Aldwick Bay Conservation Area	ApproveConditionally 24-06-15
AW/126/11/	Single storey side extension with false pitch thatch to match existing	ApproveConditionally 12-07-11
AW/103/11/	Block up 2 No. windows to front elevation & provision of central window to match existing	ApproveConditionally 01-06-11
AW/103/02/	Single storey timber summerhouse	ApproveConditionally

AW/135/99/

Extension of existing sunroom

ApproveConditionally
10-09-99

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No Objection.

Nearby occupiers - no representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Tree Officers Comments:

This tree appears to be outwardly healthy and stable with a full and attractive crown profile. No evidence of significant past modification of the crown. Appears to be a fine example of its type.

It is highly visible from surrounding properties. The upper crown is visually impressive when viewed from adjacent estate roads. As such, it has public amenity value.

The careful and selective removal of low secondary branches to the height proposed, should not incur a loss of public amenity or harm the tree's ongoing health and vitality.

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

Conclusion:

The work proposed is justified on arboricultural grounds. If undertaken to a high standard and at the right time; then it is unlikely to have an adverse effect on the tree's long-term vitality and visual amenity.

Recommendation:

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

Condition to Be Applied to Approved Work: -

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.

Part c) No pruning wound will exceed 100mm diameter, to preserve the main limb and branch framework.

Reasons: In the interests of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

See also the standard pruning guidance notes issued with the consent letter.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Orders
Conservation Area
Built-Up Area Boundary

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the tree officer, it is recommended consent be approved (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.

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.
No pruning wound will exceed 100mm diameter, to preserve the main limb and branch framework.

Reasons: In the interests of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 INFORMATIVE: See also the standard pruning guidance notes issued with the consent letter.
- 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.