

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

REF NO: AW/65/20/T

LOCATION: Holly Lodge
3 Barrack Lane
Aldwick
West Sussex

PROPOSAL: Prune back to previous points 1 No. Holm Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the grounds of 3 Barrack Lane.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/36/20/T	Prune back to previous points overhang of 1 No. Sycamore tree.	
AW/70/19/T	Crown lift by 1m, Crown reduction by 3m & Crown thin 30% to 2No. Holm Oak trees. Crown reduction by 3m & Crown thin 30% to 1No. Sycamore tree. Reduce split bough by 2.25m to 1No. Holm Oak tree.	Refused 29-05-19
AW/18/15/T	Thin crowns by 30%, lift crowns to a height of 2.5 m above ground level, reduce crown to height of ridge line & spread by 5-6m to 2 No. Holm Oak trees & crown thin by 30%, reduce crown to height of ridge line & spread to 5-6m to 1 No. Sycamore tree.	ApproveConditionally 19-03-15
AW/242/10/T	Reduce height and spread of crown by 20% - 25% to 2 No Holm Oak trees and 1 No Sycamore	ApproveConditionally 17-12-10
AW/5/05/T	Topping and lopping of 2No Holme Oaks and 1No	ApproveConditionally

AW/138/97/T	Reduce Evergreen Oaks in height to 6.096m (20ft) from ground level and reduce side growth as appropriate. Reduce Sycamore and thin crown.	ApproveConditionally 28-10-97
AW/13/89/T	Reduce height and spread of one Sycamore and 2 Holly Oaks	ApproveConditionally 20-02-89

Relevant site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Members agreed that the Arun Arboriculturist is consulted and that his decision/recommendations is applied.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Holm oak / Quercus ilex Approx. height: 8m Average spread: 3m Age class: Early mature

- I have considered this application by means of a desktop review, using the information submitted as well as online resources (including previous application history).
- Outwardly and from a distance this tree appeared to be healthy and stable (May 2019). One of three trees (two holm oak, one sycamore) in close proximity with a history of heavy and regular crown reduction pruning, that collectively provide a visual amenity to the surrounding area.
- Repeat crown reduction pruning will be necessary throughout the remaining lifespan of this tree, to achieve a reasonable degree of structural integrity appropriate for its location.

Conclusions:

- The proposal to reduce overall height and spread with a view to restricting its growth is consistent with previous applications (approved by the Local Planning Authority).
- While a temporary loss of aesthetic value is inevitable, satisfactory canopy renewal and recovery should occur if the work is undertaken to a high standard and at an appropriate time of year.

Recommendations:

- I recommend CONSENT for this application, subject to the following conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built Up Area Boundary
 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 be 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.
 - The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

Reasons: In the interest 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
- 2

Advisory:

 - We are obliged to advise that where trees are situated on land not owned by the applicant the granting of consent by this authority does not by association give permission to undertake such works that require access onto/from that land. Nor does it permit any work to take place beyond the boundary of the applicant's property. Additional permission must first be obtained from the land/tree owner.
 - The long-term vitality of this trees is best respected when significant pruning work such as proposed, is undertaken during the mid-late winter (January to February) period. The work should only be undertaken during this period.
- 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 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.