

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

REF NO: AW/70/18/T

LOCATION: 3 Willow Way
Aldwick
PO21 4NA

PROPOSAL: Reduce crown of 1 No. Horse Chestnut tree to previous pruning points & remove weak broken branches & suckers.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 3 Willow Way, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/329/12/T	Reduce crown by 3m to previous pollard points and remove suckers and weak branches to 1 No Horse Chestnut tree	ApproveConditionally 08-02-13
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Relevant planning history noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

No comments received from Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -

Horse Chestnut - *Aesculus hippocastanum* - Height: Approx. 8m - Average spread: 3m - Age: Early-mature

- Restricted view of tree due to established dense vegetation but condition of upper crown suggests it is in good physiological condition. It has been subject to heavy crown reduction work previously and has responded with vigour, typical for a healthy example of its type.

- This tree is visible from surrounding properties along with a number of other established companion evergreen shrubs/small trees.

Conclusion:

- Repeat operations such as now being asked for by the applicant will be necessary throughout the remaining life-span of this tree, to achieve a reasonable degree of structural integrity appropriate for its location.

- If the work is undertaken to a good standard and at the right time; then repeat crown reduction is unlikely to have an adverse effect on its long-term vitality.

- There may be some benefit obtained from the frequent reduction in canopy size by way of combating the proliferation of leaf-miner re-infestation, although this would not ordinarily be sufficient reason to initiate crown reduction or pollarding work.

- There will be a slight and temporary reduction in the tree's amenity value, which is an unavoidable consequence of this necessary work.

Advisory:

- The reported absence of notable flowering is most likely attributable to the crown being frequently reduced which can have the effect of preserving a juvenile state. There is an established cultivar of horse chestnut which is sterile (cv *Baumannii*) that produces flowers but no fruit (conkers).

Recommendations:

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

Conditions To Be Applied To Approved Work:-

- 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.

- The proposed work should only be undertaken during either the mid-summer (mid-June to mid-September) or mid-winter (mid-December to mid-February) periods.

Reason - In order to ensure a satisfactory standard of tree surgery, in the interests of tree health and long-term vitality.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Built Up 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

It is recommended that 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

In assessing this proposal neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1
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- 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 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.