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

REF NO: **AW/88/17/T**

LOCATION: 14 Margaret Close
Aldwick

PROPOSAL: Hornbeams (T1-T7) -
- Reduce height of trees overall by a maximum of 2m.
- Crown lift on the north side ONLY to achieve a ground clearance of 4m.
- Any lateral branches that remain on the north side are to be shortened back to achieve a 1m clearance from the garage and house.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located on the land Margaret Close, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/262/16/T	Fell 8 No. Hornbeam trees, fell 1 No. Holly tree & reduce northern sector on lower branches over house by 1.5-2m to 1 No. Beech tree.	Withdrawn 27-09-2016
AW/355/16/T	Fell 8No. Hornbeam trees.	Withdrawn 16-01-2017
AW/358/16/T	Fell to ground level & replace 5 No. Hornbeam trees, 2m & 3.5m crown reduction to 2 No. Hornbeam trees.	Refused 17-02-2017

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

Consultations responses received:

Tree Officer -
Hornbeam Carpinus betulus x 7 of Av Ht - 15m Av Sprd - 7m Age - Semi Mature
- I would not have a problem with these trees being crown lifted to 4m on the north side but not to the south side as this defeats their purpose as screening and separation and opens up views of garage and building walls for other residents who have registered objections to this aspect being undermined.
- The 4m lift would provide a significant clearance from the garage and building as low branches would be completely removed and it is these that mainly touch or overhang same.
- There is also some confusion in my mind as to exactly what has been applied for here as the summary front sheet lists - - crown lifting by 4m and 2.5m clearance from buildings - but the application itself lists crown reduction by 3.5m overall and crown lifting over buildings

Conclusions:
- I would see the 4m crown lift all round as excessive and undermining screening and separation value.
- I would see establishing a 2.5m clearance from the garage and buildings as excessive and harmful - undermining these trees collective amenity value.

Recommendations:
- I recommend REFUSAL of the application as it stands as the works are potentially harmful and not justified and it would not be in the best interests of the group as a whole.
- I would advise that they re-submit seeking the following works :-
1. Reduce height of trees overall by a maximum of 2m.
2. Crown lift on the north side ONLY to achieve a ground clearance of 4m.
3. Any lateral branches that remain on the north side are to be shortened back to achieve a 1m clearance from the garage and house.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

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 and the resultant change of description, it is recommended that consent be approved.

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

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.