

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

REF NO: AB/102/20/T

LOCATION: Riverside House
2 Fitzalan Road
Arundel
BN18 9JS

PROPOSAL: Various works to various trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at Riverside House.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AB/9/18/CLP	Lawful Development Certificate for a Proposed use or Development - Minor alterations within building (C3 dwelling) to form 11 bedsits with 11 bathrooms (Sui-Generis).	PP Required 14-08-18
AB/139/17/NMA	Application for a non-material amendment following a grant of planning permission.	
AB/154/16/HH	Erection of extensions to existing dwelling to form car port, conservatory & rooms in loft space	Refused 02-03-17 Appeal: Allowed+Conditions 21-09-17
AB/155/14/PL	Reinstatement of timber jetty using existing 3 piles.	ApproveConditionally 29-01-15
AB/142/14/T	Various surgery to 8 No trees	ApproveConditionally 13-01-15

Relevant planning history noted.

REPRESENTATIONS

No comments from Parish council.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

T1 Horse chestnut / Aesculus hippocastanum Height: 10-15m Radial spread: 0-5m Age class: Early mature

TPO/AB/2/82

Appears to be in a fair physiological state, with a balanced limb/branch framework. An imperfect main stem perhaps worthy of further investigation, although supporting a compact and relatively light crown. Visible from afar and therefore has some public amenity value. Crown height and spread reduction is proposed to address excessive shading. I find the size of the tree and its proximity to the nearest dwellings to be harmonious. There is evidence of past reduction pruning which this proposal seeks to broadly replicate. Repeat operations such as now being asked for by the applicant will be necessary throughout the remaining lifespan of this tree, to achieve a reasonable degree of structural integrity appropriate for its location.

TA Oak?

I saw no oak tree at the location marked on the plan or in the immediate area. An established off-site bay laurel (TPO/AB/3/93) may have been mistakenly identified as holm oak? In any event, I find the extent of reduction pruning proposed has not been justified and exceeds the requirements of British Standard (BS3998:2010) Tree work - Recommendations.

TB Sycamore / Acer pseudoplatanus Height: 10-15m Radial spread: 0-5m Age class: Early mature

TPO/AB/3/93

· Appears to be in a fine physiological state, with a columnar and balanced light limb/branch framework. An off-site tree discreetly located between built form and of relatively low public amenity value. There is evidence of past reduction pruning which this proposal seeks to broadly replicate. Repeat operations such as now being asked for by the applicant will be necessary throughout the remaining lifespan of this tree, to achieve a reasonable degree of structural integrity appropriate for its location.

TC Prunus?

I saw no established tree of that genus at the location marked on the plan or in the immediate area.

T4 Sycamore / Acer pseudoplatanus Height: 10-15m Radial spread: 0-5m Age class: Early mature

TPO/AB/2/82

· Off-site tree which appears to be growing from within the publicly maintainable highway and so the responsibility of West Sussex County Council. It appears to be in a fair physiological state and is prominent roadside. There is evidence of past reduction pruning which the applicant may be seeking to replicate although a finished height of 6metres would be below the established knuckles and therefore damaging to the tree's ongoing health and vitality. The condition below provides the necessary instruction relevant to all work proposed within this application. Repeat operations such as now being asked for by the applicant will be necessary throughout the remaining lifespan of this tree, to achieve a reasonable degree of structural integrity appropriate for its location.

Conclusions:

There will be no significant loss of public amenity on completion of the proposed works.

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.

Recommendation:

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

Condition to Be Applied to Approved Work: -

- 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 BS3998:2010 and adjacent to a live bud or lateral.

- Where pollarding or crown reduction pruning has occurred previously, then 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 interests of the trees 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

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 tree Horse Chestnut (T1) is best respected when significant pruning work such as proposed, is undertaken during the late spring to summer period (May to August). The work proposed should only be undertaken during this period.

· The long-term vitality of trees Sycamore (TB & T4) is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid-winter (late-December to early-February) periods. The work should only be undertaken during these periods.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

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/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.

Where pollarding or crown reduction pruning has occurred previously, then 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 interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 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.
- 4 INFORMATIVE: 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 tree Horse Chestnut (T1) is best respected when significant pruning work such as proposed, is undertaken during the late spring to summer period (May to August). The work proposed should only be undertaken during this period.

The long-term vitality of trees Sycamore (TB & T4) is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid-winter (late-December to early-February) periods. The work should only be undertaken during these periods.