

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

REF NO: AL/25/21/T

LOCATION: Westergate Mews
Nyton Road
Westergate
PO20 3YP

PROPOSAL: Crown reduction to 1 No. Holm oak (T11) to height approx. 20m and lateral spread approx. 11m.

SITE AND SURROUNDINGS

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

RELEVANT SITE HISTORY

AL/49/17/T	Various surgery to 1 No. Oak tree	ApproveConditionally 13-07-17
AL/41/15/T	Reduce tips of branches extending over car park & driveway to North by 2-3m to 1 No Holm Oak tree.	ApproveConditionally 23-06-15
AL/56/12/T	70% reduction of re-growth from pollard point at 11.5m on the southern stem (approx. 3.5m - 4.5 removed from each stem) of 1no. Holm Oak	ApproveConditionally 09-07-12
AL/127/09/T	T1-Holm Oak - Reduce tips of branch by 3m on northern side of crown. Reduce rest of northern crown by 3m to balance canopy.	ApproveConditionally 03-02-10
AL/55/08/T	Fell two Holm Oak trees	ApproveConditionally 13-08-08

AL/108/07/T	Surgery to 4 Holm Oaks and 2 Horse Chestnut trees.	ApproveConditionally 30-11-07
AL/52/07/L	Application for Listed Building Consent to erect an 80cm diameter satellite dish to receive digital television transmissions.	ApproveConditionally 01-08-07
AL/58/03/T	Dismantle and fell two Holm Oak trees	Refused 09-10-03
AL/64/02/T	Crown lift 1 Holm Oak tree to 3m over properties in Ivy Close. Crown reduce and reshape by 15%-20% 1 Horse Chestnut tree. Cut back branches of 1 Ash tree growing towards the eaves of the southern end of Block 'A'.	ApproveConditionally 27-08-02
AL/32/01/T	Works to 2 Quercus Ilex (Oak) trees	ApproveConditionally 25-05-01
AL/94/00/T	Reduce crown by 25% 2 Quercus Ilex (Holm Oak) trees.	ApproveConditionally 30-01-01
AL/7/98/T	Felling of 8 Lombardy Poplar trees	ApproveConditionally 20-05-98

Relevant planning history noted.

REPRESENTATIONS

Aldingbourne Parish Council - No Objection.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Outwardly this tree appears to be in a generally fine physiological state and stable. It has a complex history of pruning and structural anomalies, typical of late mature examples of its type. It is large, aged and prominent. Although most obviously appreciated by those occupying/attending the mews it clearly has some public amenity value also.

The applicant has employed Beechdown Arboriculture Ltd as agent to assess the tree and provide a report on its condition. This is comprehensive and recommends a suitable work proposal to manage the tree in an appropriate state for its location.

Conclusions:

The work proposed is justified on arboricultural grounds. This is a specimen tree of significant landscape and public amenity value, which is to be carefully pruned to maintain reasonable enjoyment of residential property and with respect for natural tree form.

If the work is 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.

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.

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

Built-Up Area Boundary.
Tree Preservation Order.
Listed Building.

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 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.

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.