

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** AL/49/17/T**LOCATION:** Westergate Mews
Nyton Road
Westergate**PROPOSAL:** Various surgery to 1 No. Oak tree**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located within Westergate Mews.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AL/50/91/T	Prune to shape one Holm Oak.	ApproveConditionally 27-08-1991
AL/49/92/T	Judicial tree husbandry by trimming of crowns, tree root ground repair and removal of unwanted steel bracings to 5 Holm Oak, 2 Horse Chestnut, 1 Ash, 1 Oak, 1 Holly, 1 Variegated Holly, and several cupressus.	ApproveConditionally 16-10-1992
AL/7/98/T	Felling of 8 Lombardy Poplar trees	ApproveConditionally 20-05-1998
AL/94/00/T	Reduce crown by 25% 2 Quercus Ilex (Holm Oak) trees.	ApproveConditionally 30-01-2001
AL/32/01/T	Works to 2 Quercus Ilex (Oak) trees	ApproveConditionally 25-05-2001
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 27-08-2002
AL/58/03/T	Dismantle and fell two Holm Oak trees	Refused 09-10-2003

AL/108/07/T	Surgery to 4 Holm Oaks and 2 Horse Chestnut trees.	ApproveConditionally 30-11-2007
AL/55/08/T	Fell two Holm Oak trees	ApproveConditionally 13-08-2008
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 03-02-2010
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 09-07-2012
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 23-06-2015
AL/58/76/T	Fell one oak lop one ash and remove part of trunk of oak	ApproveConditionally 15-09-1976

Relevant planning history noted

REPRESENTATIONS

Representations received:

Parish Council - No response.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

Holm Oak - Quercus ilex - Height : 18m - Avge Sprd : 10m - Age : Mature

- The applicants have employed Beechdown Arboriculture Ltd to inspect the trees and carrying out a VTA and advising them on a management strategy.

- This is an old mature tree that has undergone many pruning operations in the past including some very heavy topping out work.

- The Holm Oak appears as T11 in this report and I agree with Beechdowns conclusions and recommendations

Conclusions:

- The inspection has been thorough and the management strategy well reasoned and I agree with the conclusions and recommendations made in the Beechdown report - inclusive of the insertion of a non-invasive dynamic cable brace.

Recommendations:

- I recommend APPROVAL for the works as listed in the Beechdown report namely :-

- 1.Remove the tips of small diameter, low, hanging branches (dropper branches from larger diameter limbs) to raise the canopy and leave a 4m ground clearance.
- 2.Reduce the tips of multi-stemmed regrowth from old pollard points on the southern stem by 1m to 1.5m with cuts no larger than 65mm diameter being formed.

Conditions To Be Applied to All Approved Works: -

- 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 trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

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
NPPG

National Planning Policy Framework
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 The works hereby approved under this application are as follows:
 - 1.Remove the tips of small diameter, low, hanging branches (dropper branches from larger diameter limbs) to raise the canopy and leave a 4m ground clearance.
 - 2.Reduce the tips of multi-stemmed regrowth from old pollard points on the southern stem by 1m to 1.5m with cuts no larger than 65mm diameter being formed.

Reason: In the interests of the health and vitality of the tree and to take into account the visual amenity of the area.
- 2 - 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 trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 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.