

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

REF NO: LU/286/17/T

LOCATION: 38 River Road
Littlehampton

PROPOSAL: 4m crown lift to 1No. Holm Oak.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 38 River Road, Littlehampton.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

LU/227/94/T	Lop and deadwood one Ilex tree	ApproveConditionally 20-09-1994
LU/232/01/T	Reduce upper northern crown by 25% and reduce middle & lower crown by 25% and thin by 30%. Cut back southern crown and western lower & middle crown from building by 2 metres. Raise crown up to 5 metres.	ApproveConditionally 27-09-2001
LU/254/08/T	Raise canopy of 1no. Holm Oak tree to 5m & thin by approx 20% & clear out dead, diseased & damaged wood	ApproveConditionally 06-11-2008

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Parish Council -

CAAC - No comment.

Nearby occupiers - The tree is too big and roosts pigeons. There is pollen dust, sap, leaves and branches that cause problems during the year.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Tree Officer -

Holm Oak Quercus ilex Height = 15m Avge spread = 7.5m Age = Mature

- A healthy maturing tree that is sound and healthy and makes a significant impact in the landscape.
- Previously heavily topped out but has recovered a full crown.
- Low branching habit.

Conclusions:

- The request to crown reduce by 3m is excessive and would be harmful not only to the visual appearance of this tree in the landscape but will also be contrary to BS3998:2010 recommendations.
- It is not necessary to prune this tree this heavily to satisfy making it safe in terms of the deadwood and debris that it drops on the neighbours drive.
- The applicant can simply remove all deadwood from the crown to make safe and this does not need Council approval.

Recommendations:

- I recommend REFUSAL for the crown reduction of this tree as requested.

ADVISORY:

Suggest the applicant re-submits seeking the following:-

- Crown lift the lower canopy to achieve a ground clearance of 4m.

Reason - this will lift the crown off the neighbours drive and garage roof.

Comments on Consultation responses:

Comments noted, the agent was contacted with regard to the change of description and accepted.

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

Following the comments from the tree officer and resultant change of description, it is recommended that consent be granted subject to the following 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

- 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.