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

REF NO: **LU/308/14/T**

LOCATION: Winterton Lodge
Goda Road
Littlehampton

PROPOSAL: Crown lift 2 Holm Oak trees to achieve ground clearance of 3.5m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The trees are located to the rear of the site and partially overhang properties on Fitzalan Road.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	The trees are positioned on a raised back, approximately 1.5 - 2 metres above the general level of the site.
TREES	There are no other trees within the immediate vicinity of the trees which are subject of this application.
BOUNDARY TREATMENT	Rear boundary marked by approximately 1.5 metre high flint wall.
SITE CHARACTERISTICS	A three storey building used as a nursing home. There is car parking to the front where a number of trees are located but the majority are situated to the rear in the private garden.
CHARACTER OF LOCALITY	Predominantly residential in character, there are few other mature trees in the vicinity of Goda Road and Fitzalan Road.

RELEVANT SITE HISTORY

LU/123/03/T	Lop branches of 1 lime tree and 2 sycamore trees overhanging pavement and car park	ApproveConditionally 27-05-2003
LU/238/07/T	Crown lift and reduce crowns of 4 No. Horse Chestnut trees and 4 No. Sycamore trees by approx 15%.	ApproveConditionally 27-07-2007
LU/20/14/T	Reduce crown of 2 No Sycamore trees by 2 metres and reduce crown of 1 No Sycamore by 1.5 metres.	ApproveConditionally 01-04-2014

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Council's arboriculturalist

No objection.

The crown lift of 3.5 meters should be allowed to take place on 2no. Holm Oaks as it is unlikely to have any notable effects on the host trees.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance for Tree Preservation Orders and trees in conservation areas 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

This application seeks permission to crown lift 2no. Holm Oak trees. These trees are located to the rear of the building in the south-east facing garden.

The Council's arboriculturalist has no objection to the works. The crown lift will be similar to

historic works on the trees and it is not considered to adversely affect the visual amenity value they provide to the surrounding area.

It is therefore recommended that the application be approved, subject to the following condition.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The works hereby permitted shall only comprise the crown lift of 2no. Holm Oak trees to achieve ground clearance of 3.5m.

Reason: To enable the Local Planning Authority to control the scale and nature of works to safeguard visual amenity in accordance with the National Planning Policy Framework.

2 INFORMATIVE: The applicant is advised of the comments made by the Council's arboriculturalist in relation to the crown reduction which should not exceed the removal of single branch lengths which are greater than 1m from the periphery of the original crown diameter. The branch removals should leave healthy substantial leaf bearing side branches. All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

The crown clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve 'end weight' and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

Branches found within the clearance height having diameters greater than 100mm should be shortened and no more than 15% of the leaf bearing growth of that branch should be removed to facilitate the unobstructed free passage of vehicles and pedestrians.

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.

5 INFORMATIVE: The applicant is advised to examine the consultation comments of the Council's arboriculturalist in relation to the 1no. Sweet Chestnut tree that was originally included for consideration as part of the application.