

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

REF NO: LU/77/19/T

LOCATION: 22 Camelia Close
Littlehampton
BN17 6UT

PROPOSAL: Crown reduction of maximum 2 metres from height, 1 metre from radial spread and crown thin of 10% 1No. Willow tree and Crown reduction of 2-3metres 1No. Eucalyptus tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located in the rear garden of the dwelling.
SITE CHARACTERISTICS	Dwelling with garden to rear.
CHARACTER OF LOCALITY	Residential area.
No relevant history	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No response from Town Council.
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

T1 Corkscrew willow / *Salix matsudana* Tortuosa Approx. height: 10m Average spread: 3m Age class: Early mature

T2 Eucalyptus / *Eucalyptus* sp. Approx. height: 9m Average spread: 4m Age class: Early mature

⚠ T1 - Outwardly appears to be in a fine physiological state. It has previously been 'topped' involving a severe truncation of the main stem at 2.5m ht. Growth from that point has been prolific resulting in stem congestion which may ultimately lead to their separation. It has developed an asymmetric limb/branch framework due to its proximity to the southern neighbouring dwelling. It is discreetly located in the rear garden and visible only from adjacent residential property.

- T2 - Outwardly appears to be in a fine physiological state. It has previously been the subject of 'crown reduction' pruning and has grown-on well, typical for a healthy specimen of its type. It is visible from publicly-accessible land and in part from neighbouring property.
- Repeat 'crown reduction' operations will be necessary throughout the remaining life-span of both trees, to achieve a reasonable degree of structural integrity appropriate for their location.
- This applicant seeks to undertake 'crown thinning' (a reduction in crown volume); an operation which will provide only short-term improvement in ambient light levels and will not reduce the overall dimensions. As such, it would not satisfy the reasons given for the work. Furthermore, the extent of 'crown thinning' proposed exceeds the requirements of 'BS3998:2010 - Tree Work' and would be unduly detrimental to their ongoing health and vitality.

Conclusions:

- The work proposed is in principle justified on arboricultural grounds as it seeks to maintain reasonable enjoyment of the property with respect to natural tree form, although the percentage proposed is excessive and unacceptable.

'Crown thinning' work to that extent would not comply with 'British Standard (BS3998:2010) Tree work - Recommendations' and be likely to result in undue harm to the ongoing health and vitality of both trees.

- The applicant has proposed 'crown thinning' work whereas one would ordinarily seek 'crown reduction' (reducing the height and spread) to address the reasons given.

Recommendations:

- As it stands, I recommend REFUSAL for this application.

Advisory:

- I would like to see the applicant submit a revised work specification such as detailed below, which would seem to address their concerns whilst preventing a diminution of the tree's landscape and public amenity value. In respect of T1 it may be considered more desirable to remove the tree altogether rather than repeat the earlier 'topping' work:

T1 - Option 1. Crown reduction of maximum 2metres from height and 1metre from radial spread. Crown thin of 10%

or

T1 - Option 2. Fell to ground level.

T2 - Crown reduction of 2-3metres, effectively a repeat of the earlier operation leaving final cuts back to near past pruning wounds.

If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following conditions:

Conditions To Be Applied to All Approved Works: -

- 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.
- T2 only - 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.
- The long-term vitality of both trees is best respected when significant pruning work such as 'crown reduction', is undertaken during the late-spring to summer period (May to August). Such work must only be undertaken during this period. 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

COMMENTS ON CONSULTATION RESPONSES:

Following the initial unacceptability of the application following the comments of the tree officer it has been amended to ensure there is minimal harm to the trees.

DEVELOPMENT PLAN POLICES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	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, it is recommended consent be approved, 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
- 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.
- 3 **INFORMATIVE:** T2 only - 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.
The long-term vitality of both trees is best respected when significant pruning work such as 'crown reduction', is undertaken during the late-spring to summer period (May to August). Such work must only be undertaken during this period.
- 4 **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.
- 5 **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.