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

REF NO: **LY/18/17/T**

LOCATION: Arunbrook House
The Causeway
Arundel

PROPOSAL: 15% thinning to 2 No Sycamore and 3 No Beech
4m crown lifting to 1 No Sycamore and 3 No Beech
3m crown lifting to 1 No Oak and 1 No Sycamore
2m maximum radial spread reduction to the south side only to 1 No Oak
1m maximum radial spread reduction to the north, east and west side to 1 No Oak
1 to 1.5m maximum radial spread reduction to 1 No Sycamore

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located on the land at Arunbrook House, The Causeway, Arundel.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

LY/17/17/T	Fell 1No. Lime.	ApproveConditionally 25-10-2017

Relevant planning history noted

REPRESENTATIONS

Representations received:
Parish Council -no response

No representation from nearby occupiers
Comments on Representations received:
Noted

CONSULTATIONS

Arboriculturist
Consultations responses received:
Tree officer Comments

Mixed Oak/Sycamore and Beech
The Oak T2 is a free standing tree of reasonable form albeit with an issue of low overhang to

the south side of the neighbours roof.
The Sycamores T3 & T5 and Beech T6/7/8 form a linear belt of trees with merged crowns (although the removal of T4 Lime- see LY/17/17/T- will leave the Sycamore T3 as a free standing tree).

Conclusions
The proposal is to leave the height untouched but to raise the ground clearance to the lowest branches between 3m to 4m to allow light in under the crowns. I would support this approach as crown lifting will improve matters without adversely impacting on these trees amenity value in the landscape (whereas height reduction would be much more drastic and detrimental to same).

The proposal is also to thin the crowns of all of the trees by 15% which equates to the removal of 1 in every 6 branches.- I would object to any thinning of the Oak Tree T2 because it already has an open crown and thinning it would be detrimental and undermine its amenity value and appearance in the landscape. As far as the other trees are concerned, I think thinning will be counterproductive for the Sycamores because they are so vigorous that they will utilise the increased light within the crowns and produce a dense growth spurt to quickly replace the lost branches . As for the Beech these tend to respond more slowly to this work but letting the wind inside the crowns could prove counterproductive in future. However, this is not a heavy thin and provided that it does not remove any large diameter branches I would not resist work on this occasion.

The proposal is also to reduce the lateral spread (not height) of the Oak T2 and Sycamore T3 up to 2m.

* I would object to this work on the Oak T2 as it is excessive and would undermine the visual appearance and create larger diameter wounds prone to fungal infection and thus be contrary to BS3998 recommendations. It would be better in my view to go for a lesser pruning of laterals to the north, east and west by up to a maximum of 1m but permit the 2m reduction on the south side because it is weighed more heavily in this direction and low braches touch the roof of the neighbours house.

I am less concerned for the Sycamore T3 as it is a tree of lesser importance and landscape significance but is has been suppressed to the north side by the presence of T4 Lime and thus a variable degree of pruning of between 1m to 1.5m would be more suited to re-training the shape and form of this tree into a more balanced canopy at this juncture.

Recommendations:
I recommend approval for the following works:

T2 Oak: Raise canopy to achieve a 3m ground clearance to the lowest branches.
T3 Sycamore:Thin canopy by 15% removing branches up to a maximum diameter of 50mm in the process.
Raise the canopy to achieve a 3m ground clearance to the lowest branches.
T5 Sycamore: Thin canopy by 15% removing branches up to a maximum diameter of 50mm in the process.
Raise canopy to achieve a 4m ground clearance to the lowest branches.
T6 Beech:Thin canopy by 15% removing branches up to a maximum diameter of 50mm in the process. Raise canopy to achieve a 4m ground clearance to the lowest branches.
T7 Beech: Thin canopy by 15% removing the branches to a maximum diameter of 50mm in the

process.
Raise canopy to achieve a 4m ground clearance to the lowest branches.
T8 Beech: Thin canopy by 15% removing branches up to a maximum diameter of 50mm in the process.
Raise canopy to achieve a 4m ground clearance to the lowest branches

I recommend refusal for the following works-
T2 Oak- reduce radial spread by up to 2m all around crown
T3 Sycamore- reduce radial spread by up to 2m all around crown

Advisory
I advise that the applicant re-submits seeking the following works-
T2 Oak- Reduce the radial spread to the south side ONLY by a maximum of 2m.
Reduce the radial spread to north, east and west sides by a maximum of 1m.
T3 Sycamore - Reduce radial spread by a variable amount of 1m to 1.5m maximum to achieve a more balanced appearance to the crown.

The following conditions should be applied to all approvals
* 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 trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

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 comments from the tree officer and the agreed change of description with the applicant, 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

1 For the avoidance of doubt, the works hereby approved are:
T2 Oak: Raise canopy to achieve a 3m ground clearance to the lowest branches.
2m maximum radial spread reduction to the south side only.
1m maximum radial spread reduction to the north, east and west side only.
T3 Sycamore: Thin canopy by 15% removing branches up to a maximum diameter of 50mm in the process.
Raise canopy to achieve a 3m ground clearance to the lowest branches.
1 to 1.5m maximum radial spread reduction.
T5 Sycamore: Thin canopy by 15% removing branches up to a maximum diameter of 50mm in the process.

Raise canopy to achieve a 4m ground clearance to the lowest branches.
T6 Beech: Thin canopy by 15% removing branches up to a maximum diameter of 50mm in the process.
Raise canopy to achieve a 4m ground clearance to the lowest branches
T7 Beech: Thin canopy by 15% removing branches to a maximum diameter of 50mm in the process.
Raise canopy to achieve a 4m ground clearance to the lowest branches.
T8 Beech: Thin canopy by 15% removing branches up to a maximum diameter of 50mm in the process.
Raise canopy to achieve a 4m ground clearance to the lowest branches.

2 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 the a live bud or lateral.
Reasons: In the interest 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.