

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** WA/12/17/T**LOCATION:** Red Cottage
The Street
Walberton**PROPOSAL:** 2m crown reduction to 1No. Turkey Oak.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at Red Cottage, The Street, Walberton.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

WA/91/01/TC	Lopping of one English Oak tree & one Turkey Oak tree	No Objection 31-01-2002
WA/29/05/TC	Works to 1no. Cherry Tree (Within the Walberton Conservation Area)	No Objection 22-04-2005
WA/60/11/TC	Reduce limbs by 2m and remove dead wood of 1no. English Oak & crown thin by a maximum of 2m and remove deadwood of 1no. Turkey Oak within the Walberton Village Conservation area	No Objection 16-08-2011
WA/70/14/TC	Fell 1 No Turkey Oak tree within the Walberton Village Conservation Area.	Objection 08-01-2015
WA/95/16/TC	Canopy spread reduction of 3m & height reduction of 4m to 1No. English Oak within the Walberton Village Conservation Area.	Withdrawn 19-01-2017
WA/13/17/TC	1.5m crown reduction to 2No. Robinas within the Walberton Village Conservation Area.	No Objection 15-03-2017

Relevant planning history noted.

REPRESENTATIONS**Representations received:**

Walberton Parish Council

No comments received from Parish Council.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

TREE OFFICER:

Turkey Oak Quercus cerris Height = 25m Avge spread = 9m Age = Mature

- This tree is located along the rear western boundary to Red Cottage and has low overhang of the adjacent house.
- It is a fine specimen tree of high amenity value and significance in the landscape.
- I would normally have opposed the commencement of a reduction program on a free standing tree but as it overhangs the adjacent House it is only fair and reasonable to expect to want to control this trees growth potential.

Conclusions:

- Provided that the work is professionally and skilfully undertaken and no more than 2m is removed and all cuts do not exceed 100mm in diameter and are made adjacent to a living growth point then there should be minimal adverse impact on the tree.

Recommendations:

- I raise NO OBJECTION to the works as described in this notification for the reasons stated above subject to the following Conditions being applied.

Comments on Consultation responses:

Comments noted and the recommended conditions will be applied.

POLICY CONTEXT

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 · 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 and MUST NOT exceed 100mm diameter.
- 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 and MUST NOT exceed 100mm diameter.

Reasons : In the interests of the trees continued health and vitality and to accord with

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current industry guidelines and sound arboricultural practice.

- 2 **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.

- 3 **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.