

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

REF NO: WA/18/17/T

LOCATION: Rowan House
7 Holly Tree Grove
Walberton

PROPOSAL: 3m height reduction & 1m - 1.5m lateral reduction to 1No. English Oak to the North, South & West sides.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

TREES

The tree outlined in this application is located on the land at Rowan House, 7 Holly Tree Grove, Walberton.

SITE CHARACTERISTICS

Dwelling.

CHARACTER OF LOCALITY

Residential.

RELEVANT SITE HISTORY

WA/53/14/T	Raise crown to allow 3m ground clearance, reduce lateral crown spread by a maximum of 2m to North, South and East and 3m to West, back to strong growth points and remove deadwood to 1No. Turkey Oak.	Refused 10-11-2014
WA/14/17/T	Crown thin canopy by 15% & crown lift understory to give clearance of 3.5m to 1No. Lime tree in rear garden.	ApproveConditionally 07-04-2017

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Walberton Parish Council

Parish Council - No Objection.

CAAC - No Objection.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

TREE OFFICER:

Pedunculate Oak *Quercus robur* Height = 16m Avg spread = 6m Age = Early Mature

- This is a medium sized tree located in the rear garden and close to the boundary with an adjacent school so I can understand the owners concerns over safety and exercising some control over its future growth habit.
- CM Treecare have advised on the works specification and submitted the application on behalf of the trees owners.
- This is a good healthy specimen Oak tree of high amenity value and significance in the landscape.

Conclusions:

- The amount of height reduction is acceptable provided that no stubs are left.
- The amount of lateral spread reduction that has been requested exceeds the recommendations of BS3998 and would in my opinion be detrimental to the ongoing health and vitality of the tree and undermine its visual amenity value in the landscape.
- The removal of crossing and rubbing branches is a very contentious matter because whilst rubbing branches might eventually lead to a failure at the contact point the risk of this ever happening has to be weighed against the fact that removal of one of each pair of branches might leave a large hole in the canopy and change the whole dynamic of the tree as it reacts to wind pressures thus causing more harm than good.

Recommendations:

- I raise NO OBJECTION to the reduction in crown height by 2m to 3m overall for the reasons stated above subject to the standard pruning Conditions being applied.
- I raise OBJECTION to the shortening of the lateral branches by 2m to 3m and recommend that the applicant amends or re-submits seeking 1m to 1.5m reduction in their length.
- Some removal of crossing and rubbing branches may be permitted but this can only be done under the direct supervision of the Arun DC Tree Officer [subject to agreeing on an appropriate day/date/time for this to take place].

Comments on Consultation responses:

Comments noted and will be addressed by a condition. The agent was contacted and agreed to the change in description of works.

POLICY CONTEXT

Within Built Up Area
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 the tree officers comments and the resultant change of description, 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 75mm diameter.
 - Removal of crossing and rubbing branches may be permitted but such work may only

be carried out under the direct supervision of the Arun DC Tree Officer and his decision on which branches may or may not be removed is final. All open wounds are to be painted with 'Lac Balsam' wound sealant.

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