DELEGATED APPLICATIONS
ASSESSMENT SHEET

APPLICATION No. and SITE: WB/11/0084/TPO – 24 Offington Drive

DATE OF VISIT: 24th March 2011

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR CONSULTATIONS: N/A

PROPOSAL, SITE AND SURROUNDINGS

The site comprises a detached house on the north-east side of Offington Drive, between Offington Avenue and Poulters Lane. The application relates to two protected trees under the Worthing Tree Preservation Order No. 63 of 1997 on this site: a Purple-leaved Plum *(Prunus cerasifera Pissardii)* T1 in the front garden and an English Oak *(Quercus robur)* T2 in the rear garden. Consent is sought for the following tree works:-

T1 – Purple-leaved Plum: Re-pollard (Reduction by approximately 1.5 metres).

Reason: To maintain its shape and size and to improve its amenity value.

T2 – English Oak: Due to excessive dieback, decay and fungal infection, remove all scaffolds from the trunk leaving the trunk as a standing deadwood habitat for birds and insects whilst making the rest of the tree safe.

RELEVANT PLANNING HISTORY

Tree Preservation Order No. 63 of 1997 confirmed on 13th January 1998

RELEVANT SAVED PLANNING POLICIES & NATIONAL PLANNING POLICY GUIDANCE

DETR: Tree Preservation Orders – A Guide to the Law and Good Practice (March 2000)
British Standard BS 3998 (2010) Recommendations for Tree Works

REPRESENTATIONS

The occupier of a neighbouring property in Offington Avenue, to the north, comments:

"We have a wonderful view of the old tree and the wildlife which frequent it and would be saddened by the removal of ALL the scaffold limbs, which give the tree its character. However, we fully understand that ***if*** *the limbs are a danger and at risk of falling, then measures should be taken to prevent this whilst keeping as much of the tree as possible for the wildlife. We would like to be informed that a proper investigation has been completed prior to any work being carried out, to establish the extent of any decay. This will ensure that the minimal number of limbs is removed for safety reasons and not for inconvenience."*

The Borough Arboriculturist objects to the application in part, and comments:

"The Purple Plum (approx. height 7m, spread 7m) was pollarded a number of years ago and has since re-grown a good crown. The reduction is unnecessary and will spoil the form and prominence of the tree and therefore cannot be supported.

Pedunculate Oak: I can support the removal of dead wood, which includes the three highest main scaffold limbs back to unions with live wood, to leave two small live limbs low in the crown on the west side and the large scaffold limb on the south side; however, because Pedunculate Oak has very durable heartwood and most of the dead limbs are in a hardened and durable condition their ***shortening*** *rather than complete removal should be undertaken once an assessment of the wood has been made. This could be repeated as necessary in order to phase the work over several years and allow retention for as long as reasonable. The use of coronet cuts to retain its landscape character should also be considered. This would be in accordance with the recommendations in the British Standard BS3998 2010 and retain their value for wildlife. Before commencing, the tree should be assessed for the presence of protected species and the works planned to take account of seasonal cycles such as nesting birds."*

HUMAN RIGHTS

Article 8 of the First Protocol (Protection of Property) of the Human Rights Act 1998 is relevant to this application, It is accepted that this proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly, it is considered that it is acceptable with regard to Article 8 and Article 1.

PLANNING ASSESSMENT

The protected Purple-leaved Plum tree, T1, has a height and spread of approximately seven metres. It is situated in the front garden of the property, centrally along the front boundary, adjacent to Offington Drive. The tree appeared in a good condition at the time of inspection.

The tree has been pollarded in the past, which would have pre-dated the Tree Preservation Order (1997), and has since re-grown a good crown, branch structure and form typical of the species. The tree is a prominent, established feature of this southern part of Offington Drive, to the north of Poulters Lane, and contributes significantly to the visual amenities of the area.

The proposed pollarding works, according to the particulars submitted, would involve the reduction in the height of the tree by approximately 1.5 metres.

No evidence has been submitted, however, that such works are necessary for aesthetic reasons.

To undertake such extensive reduction of the tree, it is considered, would severely disfigure and damage the natural crown form, branch structure and appearance of the tree, which in view of its prominence and stature within the street scene, would be detrimental to visual amenities of the area, and is unacceptable.
Refusal is recommended.

Note: The proposed similar re-pollarding of the unprotected Purple-leaved Plum in the south-east corner of the front garden is not controllable under the T&CPA 1990 [the site is not within a Conservation Area]. This would only serve to make the protected Purple-leaved Plum along this frontage an even more prominent feature in the street scene and underline that similar works would severely damage its appearance and public amenity value.

The protected English Oak (Pedunculate Oak) *(Quercus robur)* in the rear garden has been dying back for a number of years. Its three main vertical and side scaffold limbs, from the top to about 3 metres above ground level, have each died back, leaving two live primary side branches, which appear in good condition. Whilst the column of decay in the top branch is extensive, this has not reached the stage where all limbs justify removal.

Section 198 (6) of the Town and Country Planning Act 1990 provides that a Tree Preservation Order shall not apply, so as to require the consent of the local planning authority, to the undertaking of works to a tree that is dead or dying or has become dangerous.

No evidence has been submitted to demonstrate that *all* scaffold limbs on the protected Oak, T2 under Tree Preservation Order No. 63 of 1997 have become dangerous and need removal. In the absence of such evidence, the Council's consent is required to remove all scaffolds as proposed and such works would not be exempted by the provisions of Section 198 (6) of the Act. The application should be determined having regard to the tree's age and amenity value and its decline through natural causes.

This tree is a 'veteran' tree, estimated to be between 150 to 200 years old. It originally formed part of a deer park, which was developed in the 1920s into the Offington estate and which retained the various old Oak trees of which this one.

The three main scaffolds forming the crown have died back, leaving two live branches in the lower crown which appeared in good condition at the time of inspection. To remove all scaffold limbs as proposed, which would include the remaining live branches in the crown as well as all dead wood, would be damaging to both the tree's amenity value and its ecological value. This extent of work is excessive for the good of the tree and should be refused

However, on the advice of the Borough Arboriculturist, the *selective reduction* of the scaffolds that have died back, by *shortening* these, rather than removing them completely, can be supported on visual amenity, ecological and safety grounds, and would achieve the applicant's objectives without destroying the tree. The removal or reduction of the live branches in the lower crown should be excluded from the consent, to retain its amenity value.

Conditional consent is recommended to be granted under a Split Decision, subject to the requirement that the following details be submitted and approved in writing by the LPA before any works commence:

1. The extent of the shortening of the tree's scaffolds (excluding the live primary limbs in the lower crown) once an assessment of the wood has been made, and using coronet cuts.

   Reason: In the interests of visual amenity.

2. The tree shall be assessed for the presence of protected species; and the work to which Condition 1 above relates shall be planned to take account of seasonal cycles such as nesting birds.

   Reason: To protect the tree's ecological and landscape value.

A Split Decision should be issued.

RECOMMENDATION

That a Split Decision is issued, as follows:

(A) Refuse 1.5 m pollarding of the Purple-leaved Plum, T1 and removal of all scaffolds on the English OakT2 on the grounds that:-

1. The proposed pollarding/reduction by 1.5 metres of the protected Purple-leaved Plum tree, T1 under the Worthing Tree Preservation Order No. 63 of 1997 would severely disfigure and damage the natural crown form, branch structure and appearance of the tree, which, having regard to the stature and crown spread, good condition and prominence of the tree within the street scene, would be detrimental to the character and visual amenities of the area.

2. The proposed removal of all scaffold limbs from the veteran English Oak *(Quercus robur),* T2 under the Worthing Tree Preservation Order No. 63 of 1997, would be damaging to the landscape character of the tree and excessive for the purpose of retaining the tree as a habitat for local wildlife, and as such, would be detrimental to the character and visual amenities of the area.

(B) Grant consent to reduce/shorten the scaffold limbs/dead wood, subject to:

1. Before works commence, there shall be submitted to and approved in writing by the LPA details of the following:

(i) the extent of the shortening of the tree's scaffolds (excluding the live primary limbs in the lower crown) once an assessment of the wood has been made, and using coronet cuts.

(ii) the tree shall be assessed for the presence of protected species; and the work to which Condition 1 (i) above relates shall be planned to take account of seasonal cycles such as nesting birds.

REASON FOR THE RECOMMENDATION: N/A

IS THE RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION: ~~Y~~N

DELEGATED

Case Officer sign.....Date: 31st March 2011.....

Authorising Officer sign.....Date...4/4/11.....