DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION No./ADDRESS

WB/09/0674/TPO – FEBA Radio, Skyways House, Ivy Arch Road

DATE INSPECTED

27th August 2009

SITE AND THE PROPOSAL

The site is an extended 2-storey detached property, used as offices and printing works (B1 use), on the north side, at the western end, of Ivy Arch Road. Within the site are 2 Corsican Pine, 1 Beech, 1 Holly, 1 Yew and 1 Sycamore, which are subject to the Worthing Tree Preservation Order No. 32 of 2001.

The application relates to the Beech, Holly and Yew trees. It seeks consent to carry out the following works:
Beech (T6): Raise the canopy and reduce overhanging limbs, and thin canopy by 20%
Holly (T3): Reduce and re-shape by 20%;
Yew (T2): Remove the dead and dangerous timber; and raise canopy.

RELEVANT PLANNING HISTORY

Tree Preservation Order No. 32 of 2001 confirmed on 11th June 2001

November 2006: Consent **granted** to crown lift to 3.5m, prune clear of property by 1.5 metres & remove dead and diseased wood in **Beech**, T6; remove dead and diseased wood in 2 Pine, T4 and T5; lift to 2.5m, reduce and re-shape crown by 15% - 20% concentrating on eastern aspect of crown,removal basal growth and dead wood **Holly**, T3 and lift to 2.5 metres **Yew**, T2 (WB/06/1130/TPO)

RELEVANT PLANNING POLICIES

Not applicable

CONSULTATIONS

The Borough Arboriculturist supports the application in part, and comments:

"I can support the following works:

- *Beech: A reduction of the crown overhanging the building on the north side by up to 1 metre., a crown lift to 4 metres but retaining the larger lowest primary branch on the south-east side;*
- *Yew: Crown lift to 4 metres*
- *Holly: Although I am slightly reluctant to see the tree pruned, there may be a need to reduce or lift over the car park, and I can therefore support a minor reduction in crown spread by up to 0.5m.*

REPRESENTATIONS

None

HUMAN RIGHTS

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the 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 in relation to Article 8 and Article 1, respectively.

PLANNING ASSESSMENT

These trees are prominent, established features of the site and of Ivy Arch Road. They are also prominent from the east side of Broadwater Road and the bridge, including where the footpath leads into Ivy Arch Road.

Beech T6: The proposed crown thinning of this tree by 20% and any major crown reduction would be damaging to the natural form, branch structure and appearance of the tree. These works are unacceptable in visual amenity terms, given the stature and prominence of the tree, and should be refused. On the other hand, there is

scope to undertake a minor crown lift and crown reduction over the building on the tree, without adversely affecting its public amenity value.

On the advice of the Borough Arboriculturist, acceptable works, which are recommended for approval on a Split Decision of Consent, are the removal of the lower secondary branches on the Beech tree to a height of 4 metres above ground level, retaining the lowest primary limb on south-east side, and the reduction in spread on the north side of the canopy over the building, by up to 1 metre, to suitable growth points, the latter being similar in extent to the works, granted consent in 2006 under application WB/06/1130/TPO.

Holly T3: The proposed reduction and reshaping of the crown of this tree by 20% would disfigure and damage its stature and natural form., and is unacceptable in visual amenity terms, given the tree's prominence. These should therefore be refused. It is evident that because the tree was reduced over the car park in 2006 by the removal of overhanging branches on its eastern side and had its lower branches removed where over the highway it has no significant overhanging growth either over the public footway or over Skywaves House car park. Only a very minor reduction over the car park, by up to 0.5 metre, would be acceptable 're-shaping' within the terms of the application, and is recommended for conditional approval.

Yew T2: The tree is not causing obvious interference with the car park or with the public footway; however, there is scope, without damaging the amenity value of the tree, to remove the lowest branches in order to both improve the shape and tree's amenity value and to remove branches which could interfere with the car park and footway in the future. On the advice of the Borough Arboriculturist, a crown lift to 4 metres is acceptable, and is recommended as a condition of consent (Condition 1).

In summary, a Split Decision should be issued relating to the above, respective works, which takes into account the previous consent for works in November 2006, the scope for a further reasonable works, given the position of the trees adjacent to the highway and close to buildings, but without adversely affecting the amenity value of the trees on the advice of the Borough Arboriculturist, and the British Standard BS 3998 (1989) *"Recommendations for Tree Works."*

RECOMMENDATION

That a Split Decision be issued, as follows:

(A) Refuse consent for the crown thinning by 20% and full reduction of branches the Beech and reduction of the Holly by 20%, on the following grounds:

1. The crown thinning by 20% and full reduction of overhanging branches on the Beech tree, T6, and the reduction and re-shaping by 20% of the Holly tree, T3, would disfigure and damage the natural form, branch structure and appearance of these established trees which having regard to their stature and prominence, would be detrimental to the visual amenities of the area.

(B) Grant consent to crown lift Beech, T6 to 4 metres, excluding the lowest primary limb on south-east side, and minor reduction on north side overhanging the property by up to 1 metre, to suitable growth points, minor reduction/re-shaping of Holly on east side over the car park by up to 0.5 m, and crown lift Yew to 4 metres.

IS RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION? Yes/No

REASONS FOR THE RECOMMENDATION

Whereas the crown thinning by 20% and a full reduction of overhanging branches on the Beech tree, along with a 20% reduction/re-shaping of the Holly, would be disfiguring and damaging to the appearance of these trees and detrimental to visual amenity, the relatively minor restricted tree works, to which Condition 1 relates, would be acceptable, relatively minor, works, which would allow improvements to be made, where necessary, whilst preserving the amenity value of the trees. A Split Decision is therefore appropriate.

DELEGATED

Case Officer Sign. [redacted] .Date: 14th September 2009

Authorising Officer [redacted] .Date 14.9.09