



**TO:** Planning Committee North  
**BY:** Development Manager  
**DATE:** 4 April 2017  
**DEVELOPMENT:** Surgery to 1 x ash tree  
**SITE:** Land east of Woodlands Walk, Mannings Heath  
**WARD:** Nuthurst  
**APPLICATION:** DC/16/2618  
**APPLICANT:** Horsham District Council

**REASON FOR INCLUSION ON THE AGENDA:** Application from Horsham District Council.  
**RECOMMENDATION:** To grant consent

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the application.

DESCRIPTION OF THE APPLICATION

1.2 The application proposes surgery to an ash tree.

DESCRIPTION OF THE SITE

1.3 The tree is sited within a wooded strip to the east of 23 Woodlands Walk.

PLANNING HISTORY

1.4 The tree is protected under individual Tree Preservation Order (TPO) No. 947, confirmed on 24<sup>th</sup> August 1998. It is designated as T23.

1.5 Previous applications for surgery have been approved at *DC/07/2363* and *DC/11/1382*.

**2. INTRODUCTION**

STATUTORY BACKGROUND

2.1 As a tree subject to a TPO, it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local Planning Authority under the **Town & Country Planning (Tree Preservation) (England) Regulations 2012**.

## RELEVANT GOVERNMENT POLICY

- 2.2 Members are advised of the principles of good practice set out in the on-line publication **Tree Preservation Orders and trees in conservation areas** (<http://planningguidance.planningportal.gov.uk/>, dated 06 03 2014).

## 3. OUTCOME OF CONSULTATIONS

- 3.1 Nuthurst Parish Council has stated no objection to the proposal.

## 4. HOW THE PROPOSED COURSE OF ACTION PROMOTES HUMAN RIGHTS

Article 8 of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

## 5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

Not applicable in this case.

## 6. PLANNING ASSESSMENT

- 6.1 The tree in question is a large semi-mature ash sited on land owned by Horsham District Council. It has relatively moderate amenity value in the local landscape only.
- 6.2 Subsequent to various limb failures an aerial inspection was undertaken by the Council's appointed arboricultural contractors on 7<sup>th</sup> November 2016 to evaluate the condition of the branch junctions situated directly adjacent to the large historic wound located at 5m above ground level on the south-west side of the trunk. On further inspection, extensive decay was identified in the vicinity of the wound, in places extending into the upper canopy.
- 6.3 In regard to this decay colonisation, the Council's Trees and Woodlands Officer considers it prudent to reduce the mechanical loading on this potentially weakened area by reducing the canopy overall by up to 30%.
- 6.4 In regard to the moderate amenity value of this tree, it is not considered that the works will result in any harm to the character and amenities of the area. The work is compliant with **BS 3998 'Tree Work - Recommendations' (2010)** and appears justified and prudent.

## 7. RECOMMENDATIONS

It is recommended that the application be granted, subject to the following conditions:

1. TR2 - Time limit.  
The tree work to which this consent relates shall be carried out within two calendar years of the date of this consent.  
  
Reason: To enable the Local Planning Authority to review the need for the works in the event of this consent not being implemented.
2. TR3 - Treeworks limit.  
The tree work to which this consent relates shall be limited to:

- (a) Carry out surgery works exactly as specified within schedule of proposed works submitted with application.

Reason: For the avoidance of doubt.

3. TR4 - Surgery standards.

The surgery to which this consent relates shall be carried out in accordance with BS 3998 'Recommendations for Tree Work' (2010). Where applicable, retained side shoots intended to form the new dominant shoot must be at least 30% of the diameter of the parent branch.

Reason: To ensure that the surgery is carried out in accordance with best arboricultural practice.

Notes to Applicant

TINF1 - Works limitations

The applicant is strongly advised to ensure that the contractor carrying out the work is made aware of the above conditions. Should the works carried out exceed that which is permitted then it may be open to the Local Planning Authority to take prosecution action against the owner of the tree(s) and the contractor. If the applicant is unclear about any aspect of the specification for works, they are strongly advised to contact the Council's Arboricultural Officer on 01403 215515 prior to the commencement of the works.

TINF2 - Wildlife protection

The applicants attention is drawn to the provisions of both the Wildlife and Countryside Act 1981, and the Countryside & Rights of Way Act 2000. Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD. Details: Tel: 0345 1300 228; E-mail: [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

Background Papers: DC/16/2618