



TO: Planning Committee North
BY: Head of Development
DATE: 5 December 2017
DEVELOPMENT: Surgery to 7 x Trees
SITE: Hills Cemetery Guildford Road Horsham West Sussex
WARD: Denne
APPLICATION: DC/17/2013
APPLICANT: **Name:** Horsham District Council

REASON FOR INCLUSION ON AGENDA: Application from Horsham District Council.

RECOMMENDATION - To permit subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application proposes surgery to 6 x limes and 1 x ash tree within the cemetery.

DESCRIPTION OF THE SITE

- 1.2 Six of the trees are sited either side of the cemetery access road leading south from Guildford Road. The seventh tree, lime tree T0377, is sited on the western boundary of the cemetery adjacent to the off-site residential property 24 Somergate.

PLANNING HISTORY

- 1.3 The six trees on the access road are protected individually under tree preservation order TPO/0357, an order confirmed on 18th February 1980. Tree T0377 is protected under TPO/1312, this order being confirmed on 9th November 2006.
- 1.4 A number of applications for surgery works to these trees have been approved over the years.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 As trees 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 Denne Neighbourhood 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 six trees along the access drive are generally modest in size, though in recent times have grown vigorously. This has formed what could be described as an 'arbour' along the driveway, and is a highly attractive feature in the locality.
- 6.2 However, in the circumstances, there is a limited amount of space for these trees to grow into, and in recent times they have started to over-dominate the area. It is accordingly considered prudent to reduce their size by surgery. A specific management option is proposed for each individual specimen, as befits their particular needs; at the same time, consideration is to be given to their collective value to the landscape. As an overview, the lime trees (5 specimens) are to be crown reduced by approximately 30%, in line with best practice as set out within **BS 3998 'Tree Work - Recommendations' (2010)**. The larger ash tree (T0112) has an asymmetric crown, and it is proposed to correct this by removing one single low limb to the east.
- 6.3 Tree T0377, a lime tree of much greater proportions than the tree along the access drive, is sited in very close proximity to the neighbouring private dwelling, 24 Somergate (2.5m). At this distance, it has clear potential to affect this property's

foundations via the abstraction of moisture in the surrounding soils by indirect root action.

6.4 Failure to consider, and act upon, what is commonly held as a 'foreseeable' potential nuisance, could leave the Council exposed to a claim in regard to subsidence, should this be shown to have been contributed to by the actions of this tree.

6.5 It is accordingly proposed to crown reduce this tree, again by up to 30%, controlling its size and reducing the likelihood of it causing a nuisance, at least to some degree. The surgery proposed is in line with best practice as set out within **BS 3998 'Tree Work - Recommendations' (2010)**, and will not harm the tree nor adversely affect its amenity value in the landscape.

7. **RECOMMENDATIONS**

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

- | | |
|--------|---------------------|
| 1. TR2 | Time limit |
| 2. TR3 | Treeworks limit |
| 3. TR4 | Surgery standards |
| TINF1 | Works limitations |
| TINF2 | Wildlife protection |

Background Papers: DC/17/2013