

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

REF NO: BN/114/19/T

LOCATION: Shannock
Church Lane
Eastergate
PO20 3UT

PROPOSAL: - Crown lift (careful selection of 'main' and 'secondary' branches) to provide 3m overhead clearance on all aspects

- Crown lift (careful selection of 'main' and 'secondary' branches) to provide 6m overhead clearance above carriageway

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the site of Shannock Church Lane
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

EG/118/88	New bungalow & garage	Inc Docs Ret'nd 29-11-88
EG/50/13/T	Top 1No. Beech tree by 4 metres, reducing the 20 metre spread to 12 metres.	Refused 05-11-13
EG/62/12/TC	Trimming of 1 no. Beech tree by 7m all round within the Church Lane Conservation Area.	Objection 15-11-12
EG/46/87	Bungalow and garage/workshop	ApproveConditionally 03-08-87

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

No objections

No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

- Outwardly and from all aspects, this tree appears to be in a fine physiological state and stable. It presents a full and attractive crown profile, despite having undergone historic main stem truncation and selective reduction of low limbs from over the carriageway.

- It occupies a tight corner of the garden plot, flanked by a boundary fence and heavy buttressed flint/brick wall. This restricts the view of the stem base.

- This is a prominent tree offering high visual amenity to the surrounding area; which includes both private property and public highway.

Conclusions:

- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

- Although probably well-intentioned, on balance I do not believe there is justification for such a major pruning exercise.

- The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

Recommendations:

- As it stands, I recommend REFUSAL for this application.

Advisory:

- I would like to see the applicant submit a revised work specification such as detailed below, which would address some of their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

- Crown lift (careful selection of 'main' and 'secondary' branches) to provide 3m overhead clearance on all aspects

- Crown lift (careful selection of 'main' and 'secondary' branches) to provide 6m overhead clearance

above carriageway

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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 comments from the Tree Officer, it is recommended consent be approved 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

Duty under the Equalities Act 2010

In assessing this proposal the following 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).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Part a) 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

Part b) 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.

Reasons: In the interests of the tree's 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.