

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

REF NO: BN/129/21/T

LOCATION: 129 Farnhurst Road
Barnham
PO22 0LL

PROPOSAL: 1 No. Oak tree (T1) re-pollard back to previous points reducing the canopy by 1-3m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	1 No. Oak tree (T1) within front of property by driveway.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BN/144/20/T	Oak (T1) - fell because of large crack between twinned stems and possible rotting from within showing as black through the bark. Tree is too close to property and therefore considered dangerous. Due the size of the front garden, would not be looking to replant another large tree.	
EG/16/13/T	Reduce 1No Oak tree to front of property by 5 metres back to old pruning points.	ApproveConditionally 05-06-13
EG/50/00/T	Lop one Oak Tree	ApproveConditionally 02-10-00
EG/94/80/T	Lopping Of One Oak Tree	ApproveConditionally 15-10-80

All relevant planning history noted.

REPRESENTATIONS

None received.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Barnham & Eastergate Parish Council - Committee:

Supports the view of the Tree Officer.

Arun District Council - Tree Officer:

- Outwardly and from a distance this tree appears to be in a fine physiological state. Integrity of twin stem structure is compromised by a deep longitudinal cavity and ongoing heartwood decay.
- The tree has effectively been managed as a pollard in recent years and this application seeks to repeat that cycle of pruning. This form of containment pruning is necessary to mitigate risk of stem failure which at this location could be catastrophic.
- It is prominent at the front of property and highly visible to users of the public highway (footway and carriageway). There are numerous mature oaks distributed across the surrounding estate that add great character to the area, of which this is a major constituent.

Conclusions:

- The work proposed is justified on arboricultural grounds. If undertaken to a high standard and at the right time; then it is unlikely to have an adverse effect on the tree's long-term vitality and visual amenity.
- The proposal to reduce its overall height and spread with a view to restricting its growth is justified and consistent with previous works approved by the Local Planning Authority.

Recommendation:

- I recommend CONSENT for this application, subject to the following condition:

Condition to Be Applied to Approved Work: -

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.

Part c) The removal of crown material which has developed since the last pollarding operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond those points of origin.

Reasons: In the interest of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- See also the standard pruning guidance notes issued with the consent letter.

Advisory:

- The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during the late spring to summer period (May to August). Ideally the work should only be undertaken during this period.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-up Area Boundary.

TPO on site.

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 be weighed in the balance with the Development Plan.

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.

Part c) The removal of crown material which has developed since the last pollarding operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond those points of origin.

Reasons - In the interest 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 0345 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.