

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

REF NO: EG/19/18/T

LOCATION: 11 Collins Close
Eastergate
PO20 3JT

PROPOSAL: Reduce crown of 1 No. Beech tree by 2-3m, thin crown by 1-5% & remove rubbing branches that cause decay/disease.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 11 Collins Close, Eastergate.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

EG/83/14/T	Beech tree - Crown thin by 15% and reduction of 2m. Removal of any rubbing branches provided they are not over 100mm.	ApproveConditionally 22-12-14
EG/9/09/T	Thin and reduce one Beech tree by 15-25% to help minimize the risk of infection by fungal spores and reduce the risk of the tree being bowed or losing branches in high wind.	ApproveConditionally 17-04-09

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Eastergate Parish Council
Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -

Beech - *Fagus sylvatica* - Height: Approx. 15m - Average Spread: 7m - Age: Mature

- Tree appears to be in a fine physiological state with no obvious signs of disease, when assessed from ground level. It has fine form, with a full un-modified crown and low sweeping branches.
- It is multi-stemmed with developing compression, such that a future light crown reduction or supplementary bracing may become necessary to mitigate the risk of separation.
- It occupies a prominent and elevated position within the cul-de-sac and by virtue of its size and age is an established focal point for local residents. It is visible to traffic passing along the nearby main arterial road and is of a size which contributes to the high tree cover locally.
- Crown thinning work is proposed. This is rarely an appropriate form of pruning, especially on beech which often rely on the establishment of interior branches to maintain good health and vitality. Crossing/fused limbs and branches may be providing a degree of natural 'bracing' effect.
- Consent is not required from the local planning authority to remove items of deadwood.

Conclusions:

- It has not been demonstrated that this tree requires crown reduction work at this time to mitigate a risk of failure nor have alternative support measures such as non-invasive cable bracing been proposed.
- An increase in light-levels to the crown interior may actually be harmful and the modification from thinning work could allow winds to exert damaging loading forces on otherwise protected stem and branch unions.
- 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:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Built Up Area

Tree Preservation Order

DEVELOPMENT PLAN POLICES

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 that consent be refused,

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

In assessing this proposal neutral 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).

RECOMMENDATION**REFUSE**

- 1 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.