

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

REF NO: EG/71/18/T

LOCATION: Oaks
Old Rectory Drive
Eastergate
PO20 3XH

PROPOSAL: Reduce crown to previous pruning points to 1 No. Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the rear garden.
SITE CHARACTERISTICS	Dwelling with gardens to front and rear.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

EG/58/08/T	Reduce upper crown by 7m to achieve a finished height of 15m to one Oak tree.	ApproveConditionally 30-10-08
EG/19/08/T	Crown thinning of one Ash Tree and two Sycamore Trees	ApproveConditionally 16-05-08

History noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Eastergate Parish Council

Eastergate Parish Council:

No objection - The council recommends that this application is referred to the District Council's Arboriculturalist for advice.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

- This tree has previously been the subject of substantial crown reduction work (c2009) and approved by the Local Planning Authority. This was in response to the findings from a detailed decay investigation undertaken by a consultant arboriculturist, expert in this field of work.
- This latest application is supported by a detailed Arboricultural Report from Phillip Ellis, which is comprehensive and informative, such that I do not need to assess the tree for myself.
- This is clearly a valuable tree although it has a multitude of defects and requires careful management to preserve it with dignity and in a state appropriate for its location.
- This large tree is a major constituent of the high canopy in this locality. It grows from the rear of the property and can be seen from adjacent properties and the public highway.

Conclusions:

- Work proposed is necessary to mitigate an evidenced risk of structural failure and so justified on arboricultural grounds.
- The proposal to repeat crown reduction work is consistent with previous works approved by the Local Planning Authority.
- There will be a slight (and hopefully temporary) reduction in the tree's amenity value, which is an unavoidable consequence of this work.

Recommendations:

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

Conditions To Be Applied to All Approved Works: -

- The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.
- The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during either the mid-summer (mid-June to mid-September) or mid-winter (mid-December to mid-February) periods.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

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 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 The removal of crown material which has developed since the last operation must be done

sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during either the mid-summer (mid-June to mid-September) or mid-winter (mid-December to mid-February) periods.

Reasons: In the interests of the trees 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.