

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

REF NO: EP/2/19/T

LOCATION: 9 Scorton
Lime Tree Close
East Preston
BN16 1JA

PROPOSAL: Crown lift 3m all aspects, crown lift 6m on east aspect & back to boundary fence, selective & careful reduction of branches above 6m on east aspect by no more than 1m to 1 No. Silver Maple tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located on the South West boundary of Scorton, 9 Lime Tree Close.
SITE CHARACTERISTICS	Dwelling with large gardens.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

EP/8/19/T	Crown reduction 2-3m and Crown thin 20% to 1 No. Maple tree.
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Application EP/8/19/T has also been submitted in conjunction with this planning application.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

East Preston Parish Council

East Preston Parish Council: No response received from East Preston Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile - a fine example of its type. It grows from a discreet strip of neglected land which abuts a shared garage compound and most notably overhangs the applicant's property. It is prominent when viewed from the public highway (footway and carriageway) and can be seen from numerous residential dwellings. As such, it has high public amenity value.

·The tree was unfortunately misidentified during the making of Tree Preservation Order (TPO/EP/4/74) although not so dissimilar as to raise doubt over it being the intended subject. This is reinforced by the original map associated with the Order and ground observations from site.

·It is understood that all pruning on the east aspect above and following the stipulated 6metre height of crown lifting would be restricted to the reduction of lateral branches where required, by no more than 1m so as to 'blend in' with the upper crown profile of the tree. Under no circumstances should the top-height of the tree be altered.

Conclusions:

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

·The proposal to carefully remove/reduce selected branches on a specific aspect to preserve reasonable levels of use/enjoyment of garden space is justified. If undertaken by a competent arborist and correctly within the limitations of the conditions attached to any consent then such work should not incur an undue loss of visual amenity.

·The work proposed is justified on arboricultural grounds as it seeks to strike a balance between the tree's influence and potential impact on surrounding residential property and the need to retain trees with dignity by having respect for natural tree form.

Recommendations:

·I recommend CONSENT for this application, subject to the following conditions:

Conditions To Be Applied to Approved Work: -

·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

·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.

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

Advisory:

·The applicant is aware of 3rd party ownership of this tree, nevertheless we are obliged to advise that any consent granted by the Local Planning Authority does not by association provide authority to undertake the proposed work where it involves operating from or cutting back branches to beyond their boundary without first seeking permission from the tree owner.

Mark Warwick

Tree Officer / Parks and Greenspace Team

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 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
 - 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
 - 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.
 - The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid-winter (mid-December to mid-February) periods. The work proposed must only be undertaken during these periods.
- 2

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.
- 3

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.
- 4

ADVISORY:

 - The applicant is aware of 3rd party ownership of this tree, nevertheless we are obliged to advise that any consent granted by the Local Planning Authority does not by association provide authority to undertake the proposed work where it involves operating from or cutting back branches to beyond their boundary without first seeking permission from the tree owner.
- 5

INFORMATIVE:

For further details on the British Standard Pruning Guidance please follow the link below:
http://www1.arun.gov.uk/PublicViewer/Authenticated/Main.aspx?user_key_1=EP/2/19/T