

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

REF NO: EP/51/14/T

LOCATION: 5 Kithurst Close
East Preston

PROPOSAL: Prune branches overhanging neighbouring property to give up to 2 metre lateral clearance from property to 1 No Pine tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The Pine tree is to the rear of the property.
SITE AREA	n/a
TOPOGRAPHY	Predominantly flat
TREES	The tree that forms the subject of this application.
BOUNDARY TREATMENT	Close boarded fencing at approximately 1.8m in height to the rear.
SITE CHARACTERISTICS	The site comprises a two storey detached property. There are two Pine trees side by side in the rear garden but only the one closest to the property is the subject of this application.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey detached properties in the surrounding area.

RELEVANT SITE HISTORY

EP/76/91/T	Pruning of branches on east side of 1 Primus Radiata tree. Pruning on east side and removal of deadwood of 1 Primus Nigra tree.	ApproveConditionally 18-11-1991
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REPRESENTATIONS

Representations received:

Awaited.

One letter of support.

*The tree suffered damage in the winter storms and looks in poor health - there are many dead branches in the extensive canopy.

*Branches close to the roofline of No. 6 Kithurst Close so this application is welcome.

*Work to maintain the health of the tree by removal of deadwood, in addition to the proposed works is also recommended.

Comments on Representations received:

Comments noted. In response to the letter of support, the application works cannot be added to including the removal of deadwood. However, this can be undertaken as an exemption to the tree's protected status provided that the applicant contacts the Parks and Greenspaces department with notification.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Council's arboriculturalist?:-

T1 Monterey Pine *Pinus radiata* Height = 20m Avg spread = 8m to 10m Age = Mature

? This is a mature tree positioned hard up against the neighbours boundary fence with approx.. 7m of branch overhang and they have constructed a summer house underneath it!

? There is some evidence of recent branch end breakages and it appears that some overhanging branches have already been shortened back in the not too distant past.

? Looking at what has been left there is very little live foliage at the ends of the lowest branches and to reduce them further would leave stubs devoid of foliage which will not regenerate.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built-up Area Boundary
Tree Preservation Order
Permitted Development Restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under References ID 36-090-20140306 and 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

This application seeks permission to cut the branches and provide a lateral clearance of 2m of 1No. Pine tree which is located to the rear of the property. This Pine tree is one of two in a similar location which are both of a significant height and maturity. However, due to the relatively small-scale nature of the works and the rear location of the tree, the proposal would not harmfully affect its visual amenity value. It has been observed that branches overhang the boundary and are in close proximity to the property of No. 6 Kithurst Close.

The Council's arboriculturalist has advised that the proposed works should be approved for safety reasons and that the works should proceed for the complete removal of the two lowest branches from directly above the summer house structure (for guidance the two branches are 200mm and 150mm in diameter respectively). It is also recommended that all dead wood from the crown and loosely secured cones are removed.

Therefore, it is recommended that the application is approved subject to conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works hereby approved to the 1x Pine tree shall involve the pruning of branches overhanging the neighbouring property to give a 2m lateral clearance. Where whole branches are to be removed final cuts close to the trunk or branch union are to be made as shown in Figure 2 of BS3998:2010 and all branches which need to be shortened are to be cut at the correct angle and adjacent to a live bud or lateral as defined and illustrated in BS3998:2010.

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

- 2 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

- 3 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 4 **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.

- 5 **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.