

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

REF NO: EP/63/17/T

LOCATION: 5 Kithurst Close
East Preston

PROPOSAL: Crown lift to 5m in height to 2 No. Monterey Pine trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located on the land at 5 Kithurst Close, East Preston.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

EP/116/88/T	Lopping of overhanging branches of 1 Primus Radiata and 1 Primus Nigra	Refused 04-07-1988
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
EP/51/14/T	Prune branches overhanging neighbouring property to give up to 2 metre lateral clearance from property to 1 No Pine tree	ApproveConditionally 21-05-2014

Relevant planning history noted.

REPRESENTATIONS

Representations received:

East Preston Parish Council
Parish Council - No objection.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

2 x Monterey Pines

- These are large mature trees in good health showing good vigour and vitality.
- These two trees merge to form one combined crown area.
- They contain the usual amounts of deadwood and also some broken/damaged and retained limbs.

Conclusions

- The pruning works proposed for the two Pines is reasonable and acceptable.

Recommendations

- Recommend APPROVAL for the work proposed which will abate the nuisance - but to make them fully safe I also recommend that they remove all major deadwood and any broken and damaged limbs (for which they do not need Council approval).

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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

It is recommended that consent be granted subject to the following conditions.

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

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 showing in BS3998:20120 and adjacent to live bud or lateral.

Reasons: In the interests of the tree continued health and vitality and to accord with the current industry guidelines and sound arboricultural practise.

- 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.

- 4 INFORMATIVE: It is advised that all major deadwood and any broken and damaged limbs (for which they do not need Council approval) is carried out.