

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

REF NO: EP/69/20/T

LOCATION: 8 Bradbury Close
Station Road
East Preston

PROPOSAL: Reduce crown of 1 No. Elm tree to height 5m and spread 3.5m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

No Relevant Planning history noted.

REPRESENTATIONS

No objections from East Preston Parish Council
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

There is one Tree Preservation Order affecting this site (TPO/EP/1/71). I am unable to view supporting documentation for that Order but assume it was made around 1971 and available to view only from hard copy records held by our planning department.

- This young tree (<20yrs) is clearly a sucker arising from the root system of a long-deceased parent tree that is likely to have been an original subject of the above Order. Although appearing healthy and stable this young tree is likely to succumb to fungal infection within the next 10years (Dutch elm disease). In any event, it is highly unlikely to attain maturity.

- The work proposed is not justified on arboricultural grounds and its extent exceeds the requirements of BS3998:2010 Tree Work - Recommendations.

Conclusions:

- Although I am unable to support the application, there will be no significant loss of public amenity on

completion of the proposed works.

- It is unlikely that the tree enjoys Statutory Protection nor is it a suitable candidate for such.

Recommendation:

- I recommend we write to the applicant advising that the tree is not subject to any Statutory Protection and invite them to withdraw their application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary

Tree Preservation Area

DEVELOPMENT PLAN POLICIES

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 has not been possible to write to the applicant and request withdrawal. Although the felling does not have the support of the tree officer he clearly states the tree is not subject to protection and therefore this application will be approved without conditions.

HUMAN RIGHTS ACT

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

- 1 **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.
- 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.