

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

REF NO: EP/99/19/T

LOCATION: Land next to 5&6 Midholme
Sea Lane Close
East Preston
BN16 1ST

PROPOSAL: Reduce upper crown on eastern aspect up to 3m & shorten tips of selected branches to achieve maximum 1.5m clearance from built structures to 1 No. Turkey Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located on the land next to 5 and 6 Midholme.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

EP/64/16/T	Fell 1 No. Sycamore tree, crown lift over car park to 3m to 1 No. Lime tree, reduce tips of branches toward building by .5m to 1 No. Cherry tree, reduce tips of branches towards building by 1m to 1 No. Turkey Oak tree & crown lift over road to 5m to 1 No. Silver Birch tree.	ApproveConditionally 14-06-16
EP/135/14/T	Reduce tips of extension growth above old pollard points by between 2m-3m to 1No. Horse Chestnut tree	ApproveConditionally 15-10-14
EP/70/14/T	Re-pollard at 50cm above previous pollard points 1 No. Horse Chestnut tree	Refused 12-06-14
EP/68/13/T	Remove deadwood and thin out parts of crown by less than 5% and reduce tips of three branches extending to South and South West by 2m to 1 No Monterey Pine tree	ApproveConditionally 04-07-13

EP/116/10/T	Fell 1 No Monterey Pine tree	Refused 23-12-10
EP/142/08/T	Re-pollard 2 no. Lime trees and crown reduction by 3m to 1 Oak tree	Refused 06-01-09
EP/69/06/PO	Application to discharge the planning obligation dated 17/03/95 restricting the occupation of the Wardens flat to persons of a State Pensionable Age	Approve 28-06-06
EP/35/04/T	Prune back overhanging branches, remove dead wood and lift the crown to one Chestnut Leaved Oak Tree. Remove lower two boughs to one Horse Chestnut Tree.	ApproveConditionally 04-05-04
EP/34/04/T	Remove the southernmost bough back to the bole where the crown splits in to the three uppermost boughs to 1no. Monterey Pine tree.	ApproveConditionally 04-05-04
EP/32/04/T	Application to fell four Silver Birch trees	ApproveConditionally 04-05-04
EP/11/96/T	Selective pruning to 8 Silver Birch trees, 1 Lime and 1 Laburnum tree to prevent overcrowding	ApproveConditionally 08-03-96

Relevant site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree officers comments:

The applicant has employed Beechdown Arboriculture Ltd as agent, to prepare and submit a tree work application on their behalf. The work proposal is consistent with pre-application advice provided to the site manager (June 2019).

This is a large tree with a full and spreading crown. Outwardly it appears to be in a fine physiological state and structurally sound. It is visible from numerous properties and to users of the public highway (footway and carriageway).

It is an important constituent of the local mature tree population whose high canopy help to define the character of the area and represents a significant public amenity.

Conclusions:

The work proposed for is justified on arboricultural grounds. This is a high-profile specimen tree of significant public and visual amenity; which is to be carefully pruned to maintain reasonable enjoyment of residential property and with respect for natural tree form.

If the work is undertaken to a good standard and at the right time; then it is unlikely to have an adverse effect on the tree's long-term vitality and visual amenity.

Recommendations:

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order
Within the Built Up Area Boundary

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 of the Tree Officer it is recommended consent be approved

HUMAN RIGHTS ACT

FOR APPROVAL

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 Condition 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.

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

See also the standard pruning guidance notes issued with the consent letter.

- 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.