

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

REF NO: M/110/18/T

LOCATION: 24 Lodge Close
Middleton on Sea
West Sussex
PO22 6NF

PROPOSAL: Removal of 3m East-facing bough on 1No. Oak

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the rear garden.
SITE CHARACTERISTICS	Dwelling with garden to front and rear.
CHARACTER OF LOCALITY	Residential area.

History noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Middleton Parish Council:
No objection received from Middleton Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

T1 Pedunculate oak	Quercus robur	Height: Approx.8m	Average spread: 3m	Age class:
Early mature				

·I viewed this tree from the rear garden of 24 Lodge Close. From this aspect it appears to be in a fair physiological state. It grows alongside a water-filled ditch at the rear of the property and can be seen from neighbouring dwellings and public right of way.

·This tree has only minor landscape value but does possess some ecological value. It appears stunted

and of moderate-poor form, with an erratic pruning history and long-dead branches in the lower crown. There is no obvious risk to persons or property.

·The lowest branch growing over the property boundary is at such a height that it could eventually interfere with reasonable enjoyment of the garden area.

Conclusions:

·There is no obvious risk of imminent branch detachment over the property. That said, the work proposed is relatively minor and if undertaken to a good standard will not incur a notable loss of amenity value to the surrounding area.

·The work proposed is justified on arboricultural grounds as it seeks to maintain reasonable enjoyment of the garden with respect to natural tree form.

Recommendations:

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

Condition To Be Applied to Approved Work: -

·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.

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 such work that involves operating from neighbouring land and/or seeks to prune branches beyond the boundary of their own property. In such circumstances, permission must first be obtained from the tree owner.

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

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- 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 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.
- 5 Please see the below link for Standard Pruning Guidance notes
http://www1.arun.gov.uk/PublicViewer/Authenticated/Main.aspx?user_key_1=M/110/18/T