

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

REF NO: M/111/18/T

LOCATION: Hadley Close
Middleton on Sea
PO22 6PQPROPOSAL: 1x Holm Oak - Crown lift by 6m, remove deadwood, crown reduction by 2-4m. 1x
Box Elder - Crown lift 5m, remove boundary overhang by 2m, crown reduce by
removing between 1-2m of branch end length to reshape and re-balance the
crown**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application is located on highway verge of Hadley Close.
SITE CHARACTERISTICS	Highway verge
CHARACTER OF LOCALITY	Residential area.
History noted	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

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 Officer Comments:

TA Holm oak, Quercus ilex, Height: Approx. 18m, Average spread: 7m, Age class: Mature

TB Box elder, Acer negundo, Height: Approx. 8m, Average spread: 4m, Age class: Mature

Both trees appear to be healthy and stable with attractive crown profiles. They encroach low into the

carriageway/footway and neighbouring property.

- TA is a large and prominent roadside tree. Its main stem has a number of active and redundant fungal brackets between buttress roots and all around the stem base. An accumulation of recently developed brackets have emerged between the main and subsidiary stem.

- The extent of decay has not been confirmed, although it is; identifiable, established, ongoing and around the stem - so is significant for hazard assessment. The tree is large and occupies a high-risk target area. It has a relatively unmodified crown with established low limbs and branches, although there is some discreet evidence of height reduction on several upper scaffold limbs/branches.

- TB is at the far end of the close in a narrow verge. It has spreading form and not an ideal tree-type for such a confined location. Some form of 'containment pruning' was a foreseeable requirement.

- The removal of dead branches is an exception and does not require permission.

- These are fine examples of their type and visible from the adjacent public highway and neighbouring properties; thereby providing a notable visual amenity.

Conclusions:

- TA - The work proposed is necessary to mitigate risk of structural failure and so justified on arboricultural grounds. While a temporary loss of aesthetic value is inevitable, satisfactory canopy renewal and recovery should occur if the work is undertaken to a high standard and at an appropriate time of year.

- TB - The work proposed is justified and if undertaken to a high standard will not incur a noteworthy loss of amenity value to the surrounding area.

Recommendations:

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

Conditions To Be Applied to All Approved Works: -

- 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.

- TA - The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

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.

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

- 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 shown in BS3998:2010 and adjacent to a live bud or lateral.

·TA - The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

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

- 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 Please see the British Standard Pruning Guidance available on the following link
http://www1.arun.gov.uk/PublicViewer/Authenticated/Main.aspx?user_key_1=M/111/18/T