

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

REF NO: P/75/19/T

LOCATION: 8 Manor Park
Nyetimber
PO21 3JS

PROPOSAL: Fell 1 No. Monterey Pine (T1). Deadwood and remove cones to 3 No. Monterey Pine.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	Tree is situated on site of 8 Manor Park
SITE CHARACTERISTICS	Dwellings
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

P/38/17/T	2m Crown lift, deadwood reduction, 2m crown Reduction on South side, 1.5m lateral reduction, 1m West & East lateral reduction to 1No. Oak. 0.5m Crown Reduction & 2.5m Crown Lift to 1No. Holly.	Approve 03-07-17
P/101/18/T	Remove any deadwood greater than 100mm diameter to 3No. Monterey Pines. Remove lowest limb to 1No. Monterey Pine.	
P/120/15/T	Fell 1 No. Monterey Pine tree, remove deadwood above 50 mm & reduce crowns by 1.5m to 2 No. Monterey Pine trees & remove deadwood above 50mm, remove broken limb on West side & reduce crown by 1.5m to 1 No. Monterey Pine tree.	Refused 09-02-16
P/69/09/T	Surgery to two lower limbs on the Eastern & Western sides of one No Monterey Pine tree, including minimal pruning and removal of 2 to four growing tips to wrist thickness on large laterals	ApproveConditionally 17-09-09

P/58/87/T

Lop and top five pine trees

ApproveConditionally
22-06-87

P/98/09/T

Removal of large low limb, reduce remaining limbs &
remove all dead, damaged or diseased branches to 1 no.
Monteray Pine tree

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Returned to the Committee following a site visit by Cllr Mr Huntley. RESOLVED: Cllr Mr Huntley advised that one tree had died and should be removed and the other tree could have the dead wood safely removed but there was no reason to remove the tree itself. There was no need to remove the cones as they would not become detached under normal circumstances. He provided a tree report to the Clerk (copy appended to the minutes).

No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

These comments have been considered by the Tree Officer, but the recommendation for this application is approval.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

The applicant has employed the Goodwood Estate as agent, to prepare and submit a tree survey and plan. This is comprehensive and includes a detailed work specification with satisfactory reasons given for each item.

- T1 possesses a high percentage of dead branches and displays low crown density. It is highly probable the tree is in terminal decline.

- T2-T4 inclusive appear to be outwardly healthy and stable at this time. They dominant the property and large limbs/branches overhang the dwelling.

- They are large trees individually and collectively represent a significant local landscape feature, visible from numerous surrounding properties and to users of public highway (footway and carriageway).

- The removal of dead branches is an exception and does not require permission from the local planning authority.

Conclusions:

- T1 - The work proposed is necessary to remove an unacceptable level of risk of harm to persons or property.
- T2-T4 incl. - The work proposed for is justified on arboricultural grounds as it seeks to abate a nuisance and without causing undue harm to the trees.

Recommendations:

- I recommend CONSENT for this application, subject to the following condition being applied:
Condition To Be Applied to Approved Work:

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

- Built up area
- TPO

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 is recommended consent be approved, subject to the following conditions and informative.

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 Once the tree (T1) has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same place or nearby and to within 4 metres. This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads. It is to be planted within 12 months of the removal of the pine tree. The species shall be selected from the following:

Field Maple Acer Campestre
Pedunculate Oak Quercus Rrobor
Wild Cherry Prunus Avium

Reasons: To accord with current industry guidelines and sound arboricultural practice in general.

- 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.