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

REF NO: **WA/15/13/T**

LOCATION: 18 Hunters Mews
Walberton

PROPOSAL: Crown reduction of 1 No. Ash tree by 1 metre

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 653 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	There are a number of other trees within the garden, the majority of which are ornamental. None of these trees will be affected by the proposal. The Ash is the only tree within the garden which is subject to a TPO.
BOUNDARY TREATMENT	The boundary adjacent to the highway is marked by an approximately 2 metre high brick wall.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling. A conservatory extension has been added to the side.
CHARACTER OF LOCALITY	The site is located on a residential cul-de-sac which serves what are predominantly detached two-storey dwellings. Buildings are set back from the road, are well spaced and mature landscaping and grass verging helps to create an open and verdant character and appearance.

RELEVANT SITE HISTORY

WA/96/10/T	Reduce 1x Fraximus Excelsior by 15%	Approve Conditionaly 20-12-2010

REPRESENTATIONS

Representations received:
None.
Comments on Representations received:
None.

CONSULTATIONS

Council's Arboriculturist
Consultations responses received:

The crown reduction of 1m would appear acceptable if a green leafy area below that margin it retained lessening an adverse impact upon the health of the tree. A tree surgeon should be able to provide an accurate assessment of the trees structural safety at the time of climbing to prepare for the reduction work.

Please note that my inspection of the Ash tree revealed fruiting bodies of Daldinia concentrica. This is associated with dead wood along its main supportive stem.

Comments on Consultation responses:

Noted. Conditions recommended by the Arboriculturalist will be attached to any approval given. An informative drawing the applicant's attention to the presence of Daldinia concentrica will also be attached.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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

The Ash tree is located to the rear of the dwelling but is clearly visible from the north due to the road layout and is also partially visible from the south west. It therefore has a strong presence within the street scene and provides a valuable contribution towards the verdant environment of the surrounding area.

The proposed works will reduce the size of the tree but not to an extent that would significantly reduce its amenity value. By increasing the separation between the tree and nearby buildings, the

proposed works are considered to be a reasonable measure to ensure that the tree is maintained in a condition that is compatible with the surrounding residential environment.

It is therefore recommended that the application is approved, subject to the following conditions.

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 for 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 it has been determined that it would result in a neutral impact 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).

As such, no specific mitigation measures will be required.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The Crown Reduction should not exceed the removal of branch lengths greater than 1m.

Side branches which bear healthy multiple leaf/bud bearing growths or which are 1/3rd or greater in diameter of the removed branch should be retained.

Wounds created by the removal of the multiple branch growths must not exceed 30mm in diameter.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity.

2 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of

trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

3 INFORMATIVE: Inspection of the Ash tree revealed fruiting bodies of Daldinia concentrica. This is associated with dead wood along its main supportive stem.

4 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.

5 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 amendd) 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.

6 INFORMATIVE: All works should be carried out in accordance with British Standard 3998: 2010: Recommendations for tree work.