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

REF NO: **WA/70/16/T**

LOCATION: Myrtle Cottage
The Street
Walberton

PROPOSAL: Deadwood & remove large limb towards Walberton Park to 1 No. Monterey Pine tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Deadwood & remove large limb towards Walberton Park to 1 No. Monterey Pine tree. A large 25 metre high mature tree in a rear garden next to the boundary wall along a road frontage.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed works to a tree.
SITE CHARACTERISTICS	A grade II listed residential dwelling with substantial rear garden abutting a highway. The tree is very large and is highly visible within the street scene.
CHARACTER OF LOCALITY	Predominantly residential neighbourhood close to the centre of the village of Walberton.

RELEVANT SITE HISTORY

A number of tree applications have been received over the past 25 years and have been approved to remove dead wood/damaged limbs from the Monterrey Pine subject of the current application.

REPRESENTATIONS

Representations received:

None received.

Comments on Representations received:

n/a

CONSULTATIONS

Conservation Officer
Arboriculturist

Consultations responses received:

Arboricultural officer:-
This tree has recently shed a 200mm diameter limb over the road and the cut stump remains.
The third limb up on the same side is now the focus of attention because it is very long and

attenuated and they fear it will also fail.
Conclusions :
Given the recent history of branch failure I sympathise with their concerns and the shortening of the limb by 3m to 4m as proposed would not detract from the trees amenity value and visually it will bring this branch back in line with the main crown outline.

Recommendation:
I raise NO OBJECTION to the proposed works as described in their application.
I also noted that there is a small diameter (100mm) branch just above the one that failed that has snapped but is retained within the crown and should be removed for safety reasons.
Please ensure that the pruning guidance sheet is issued with the consent letter.

Conservation Officer - No comments received.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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

The tree officer has inspected the tree and raised no objection to the works subject to conditions. The works to the tree are for the safety of the occupants of the dwelling and road users due to the overhang of the branch . The works will not substantially affect the appearance or amenity value

of the tree nor the setting of the listed building as the crown of the tree will largely remain. Similar works to the tree concerned have been approved in the past.

It is therefore recommended that the application be approved subject to the conditions suggested.

HUMAN RIGHTS ACT

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.

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.