

DELEGATED DECISION

Application is Works to Trees - Tree Preservation Order

The Officer has checked the application in accordance with the planning policies and recommends the application for - Refusal

The delegation powers schedule has been checked. Interim Director of Planning, Regeneration & Public Realm can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. Report of the Interim Director of Planning, Regeneration & Public Realm

Address: 90 DEANE CROFT ROAD EASTCOTE PINNER

Development: To fell One Beech at T1 within TPO 248

LBH Ref Nos: 26371/TRE/2024/114

Drawing Nos:

Date Plans received: 21-06-2024 **Date(s) of Amendments(s):**

Date Application valid 21-06-2024

1.0 SITE \ PROPERTY DESIGNATION

Tree Preservation Order(s) Yes - TPO 248

2.0 RELEVANT PLANNING HISTORY

2.01 Additional Planning History Comments

2.02 Planning History

3.0 PLANNING POLICIES AND STANDARDS

3.01 Relevant UDP Policies (ref. nos. only)

In deciding TPO applications the local planning authority is not required to have regard to the development plan (Guide to the law and good practice - tree preservation orders, DETR 2000 - paragraph 6.46 page 25)

3.02 Relevant Supplementary Planning Guidance

3.03 Other Key Documents

4.0 CONSULTATIONS

4.01 Neighbours

No Comments Received.

Officer Comments:
(for refusals specify nos. consulted nos. of responses and nature of responses.)

4.02 Residents Association(s) / Amenity Group(s)

No Comments Received.

Officer Comments:

4.03 Conservation Area Advisory Panel

No Comments Received.

Officer Comments:

4.04 Councillor(s) / MPs

No Comments Received.

Officer Comments:

4.05 Other(s)

No Comments Received.

Officer Comments:

5.0 KEY PLANNING CONSIDERATIONS

5.01 Introduction

This decision is based on whether or not the proposal is justified, having regard to the reasons put forward in support of it, having assessed the amenity value of the trees and the likely impact of the proposal on the visual of the locality.

5.02 Description of trees and requested works

TPO No - 248

Species - Beech

Condition / Age - Moderate / Mature

Amenity value - Moderate

Work requested - Fell

Reasons for work - Tree in decline, deadwood throughout crown plus a large dead limb over the neighbouring house.

5.03 Amenity

The beech tree is located in the front garden of 90 Deane Croft Road, close to the boundary to no. 88 Deane Croft Road. The tree can be viewed by neighbouring properties and passing traffic and pedestrians. The tree does appear to be in decline, with an approximate 50%-60% live crown ratio. There is dead wood present throughout the crown. This tree is considered to have a moderate amenity value due to the visible reduced number of leaves.

5.04 Appraisal

Although dieback and dead wood was noted within the crown, it is our opinion that felling the tree now is premature. Whilst we do acknowledge that this trees life expectancy may be reduced, this mature tree is still contributing to the arboreal nature of the area.

Dead wood does not need consent from the Council to remove, and we advise that this is removed periodically to ensure the tree remains safe in its senescence.

From the information provided, we do not believe that the trees current condition warrants the tree to be felled, and any risk the tree poses can be reduced by regular maintenance as described above. There is no evidence within the application to suggest the tree may be suffering from any large internal cavities, or any other major structural weaknesses that may lead the tree to fail imminently.

6.05 Conclusion

Having regard to the reasons given for the proposed work, the work is unjustified and will have a detrimental impact on the visual amenity and arboreal character of the area.

7.0. RECOMMENDATION

REFUSAL for the following reasons:

INFORMATIVES

1. I99 Non Standard Informative

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Having regard to the reasons given for the proposed work, the work is unjustified and will have a detrimental impact on the visual amenity and arboreal character of the area.

2. IT01 Removal of dead wood

The removal of deadwood, dangerous / hanging branches and ivy: This does not require the formal consent of the Council.

3. IT05 Wildlife and Countryside Act 1981

Wildlife and Countryside Act 1981: Note that it is an offence under this act to disturb roosting bats, nesting birds or any other protected species. Therefore, if applicable, it is advisable to consult your tree surgeon / consultant to agree an acceptable time for carrying out the approved works.

4. IT07 Owner(s)'s permission:

Owner(s)'s permission: Permission should be sought from the owner(s) of the tree(s) and / or the owner(s) of the land that the tree(s) overhang prior to any approved work being carried out.

5. IT17 Expected standard of tree work

Expected standard of tree work: The approved works must be carried out in accordance with the conditions laid out above. If they are not, then enforcement action could be taken which could lead to prosecution and heavy fines. Therefore, it is highly recommended that the works are only carried out by a professional and competent arboriculturist who undertakes to comply with the conditions of this consent and in accordance with industry best practice (BS 3998:2010). The Arboricultural Association can provide details of its approved contractors, who have demonstrated such professionalism and competence, on their website (www.trees.org.uk) or by calling 01242 522152. Or on request the Council can provide a list of contractors who are known to carry out tree work to a good standard and to normally maintain an appropriate policy of indemnity insurance.

Contact Officer: James Brushwood **Telephone No:** 01895 250230