

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

REF NO: AW/111/19/T

LOCATION: 63 Barrack Lane
Bognor Regis
PO21 4DE

PROPOSAL: Reduce/remove small branches (<75mm diameter) as necessary to achieve no more than 0.5 metres clearance from around overhead (BT) cable routed through the crown.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Reduce/remove small branches (<75mm diameter) to 1No. Horse Chestnut tree as necessary to achieve no more than 0.5 metres clearance from around overhead (BT) cable routed through the crown.
TREES	The tree is located to the front of the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/214/15/HH	Conservatory to rear elevation. This application affects the character & appearance of the Craigweil House Conservation Area.	ApproveConditionally 22-09-15
AW/142/03/T	Topping of first Field Maple Tree and lopping of second Field Maple tree to reduce leverage	ApproveConditionally 27-06-03

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Aldwick Parish Council provided no objection and that the Arboriculturist should be consulted regarding the application and that his recommendations/decision be applied.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:**Tree Officer Comments**

This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile.

It grows at the front of the property and is prominent roadside, with potential long-term landscape value. As such, it has public amenity value.

The applicant has expressed concern about the potential for abrasion to the overhead cable from branches directly touching, especially during episodes of high wind speed.

Conclusions:

This tree has potential to become a high profile specimen tree of significant public and visual amenity and so must be carefully pruned so as to maintain integrity of utility apparatus and respect natural tree form.

Some careful and selective pruning is necessary to ensure free passage of the cable through the crown and so the application in principle is justified on arboricultural grounds; although I find the work description problematic as it could result in permanent spoiling of that aspect of the tree and the formation of unnecessarily large wounds.

Recommendations:

As it stands, I recommend REFUSAL for this application.

Advisory:

I would like to see the applicant submit a revised specification for lesser work such as described below, which would seem to address their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

- Reduce/remove small branches (<75mm diameter) as necessary to achieve no more than 0.5 metres clearance from around overhead (BT) cable routed through the crown.

If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following conditions being applied:

Conditions To Be Applied to Approved Work: -

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.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up area boundary
Tree Preservation Order

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 comments from the tree officer and the agreed revised description with the applicant 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
Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 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.
- 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 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.