

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

REF NO: A/124/18/T

LOCATION: Beech Glade
4 Blue Cedars Close
Angmering
BN16 4DW

PROPOSAL: Reduce top-height by no more than 2m. Reduce radial spread by no more than 1m. Overlong branches that protrude beyond the crowns common profile may be reduced to a greater extent to complement the majority.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the front garden.
SITE CHARACTERISTICS	Dwelling with front, side and rear gardens.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

A/18/13/T	Fell 1 no. Monterey Pine	ApproveConditionally 19-03-13
-----------	--------------------------	----------------------------------

History noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Angmering Parish Council
Angmering Parish Council:
No objection received from Angmering Parish Council.

No representations 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 within the close. It can also be seen in part by traffic accessing/exiting this part of the estate. As such, it has public amenity value.
- The attractive upswept form of this tree has been largely dictated by its past proximity to established trees. There are a relatively high number of ascending stems and scaffold limbs arising from tight unions. The absence of obvious 'natural bracing' supports the intention for a degree of crown reduction work.
- The applicant proposes a potential 3metre reduction of top height and lateral spread. If the full extent of meterage is applied on all aspects this would exceed the recommendations in British Standard 3998:2010 - Tree Work.

Conclusions:

- The work proposed is unnecessarily severe and if enacted to the maximum extent of 3m on all aspects would result in damaging loss of crown volume.
- The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

Recommendations:

- I recommend REFUSAL for this application.

Advisory:

- I would like to see the applicant submit a revised work specification such as detailed below, which would seem to address their concerns whilst preventing a diminution of the tree's landscape and public amenity value:
 - Reduce top-height by no more than 2m.
 - Reduce radial spread by no more than 1m. Overlong branches that protrude beyond the crown's common profile may be reduced to a greater extent to complement the majority.
- 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:

Conditions To Be Applied to All Approved Works: -

- 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.
- The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during either the mid-summer (mid-June to mid-September) or mid-winter (mid-December to mid-February) periods.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- See also the standard pruning guidance notes issued with the consent letter.

COMMENTS ON CONSULTATION RESPONSES:

The Tree Officer has recommended an alternative proposal that would be acceptable. The agent has

confirmed an amended description.

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 change of description with the agent, it is recommended consent be granted 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 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.

The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during either the mid-summer (mid-June to mid-September) or mid-winter (mid-December to mid-February) periods.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- See also the standard pruning guidance notes issued with the consent letter.

- 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.

- 4 **INFORMATIVE:**
Please find link below for British Standard Pruning Guidance.
http://www1.arun.gov.uk/PublicViewer/Authenticated/Main.aspx?user_key_1=A/124/18/T