

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

REF NO: A/175/25/T

LOCATION: The Dower House
West Drive
Angmering
BN16 4JE

PROPOSAL: 1 No. Holm Oak (T1) to reduce branches as necessary to achieve a maximum of 2metres clearance from dwelling and fixtures.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located at the Dower House, Angmering.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

A/19/18/T	1x Holm Oak - Remove 1x 10m bough	Refused 23-05-18
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Relevant planning history noted.

REPRESENTATIONS

Angmering Parish Council - No response received.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:****TREE OFFICER -**

For clarity, the tree is incorrectly located on the sketch plan. T1 is in the grounds of Dower House, the northwest corner of its plot, which lies to the south and west of Mulberry Hollow.

It is clear from the photograph provided and the applicant's property (Mulberry House), which tree is subject of this application.

This proposal relates to the treatment of material overhanging the applicant's property and to provide a maximum of 3metres clearance from their building and fixtures. The overall height and spread of the tree on all other aspects is to remain as is.

A large tree with a full and spreading crown. From distance it appears to be in a generally fine physiological state. It is approaching (if not having already arrived at) over-mature phase.

It is discreetly located within the expansive gardens of the property, although by virtue of its size and evergreen foliage has significant presence when viewed from its southern aspect. It is visible from neighbouring properties and traffic accessing/exiting this part of the estate. As such, it has public amenity value.

Conclusions:

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

The main limb identified for treatment has been reduced back before, leaving a relatively small quantity of foliage bearing twigs and branches remaining along its length, which are necessary to sustain it. 2metres clearance from the building would be adequate and ensure sufficient foliage remains; 3metres much less so.

Either way, the tree would continue to exert some influence over the neighbouring property, but within reasonable limits given its size and proximity. Work to prevent any branches coming into direct contact with the dwelling is acceptable.

Recommendation:

As it stands, I am unable to support this application. I would like the applicant invited to agree to a revised proposal for lesser works (such as described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing the applicant's concerns whilst ensuring no undue detriment to tree health or loss of amenity:

-Reduce branches as necessary to achieve a maximum of 2metres clearance from dwelling and fixtures.

If the applicant agrees to the above revision then I would be able to recommend we grant consent, subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

The applicant has agreed to amend the application description for the proposed works in accordance with the Tree Officer's recommendation, following receipt of his comments.

POLICY CONTEXT

Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the tree officer, it is recommended consent be approved, subject to the following condition 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

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 Part a) 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

Part b) 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 interest of the tree's 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 (as amended), 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 0345 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:
Where an applicant is not the stated owner of the tree(s), permission must first be obtained from the landowner before operating beyond the boundary of their own property. Consent from the local planning authority does not by association permit approved works to be carried out in the absence of such permission.