

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

REF NO: BE/92/19/T

LOCATION: Springfields
Chichester Road
Bersted
PO21 5EE

PROPOSAL: Crown lift to maximum 3m and reduce branches to provide a maximum 1.5m clearance from built structure to 1No. Holm Oak and reduce all side branches by 1.8m up to height of 6m to 1 No. Blue Cedar tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	Tree is located on site of Springfields Chichester Road
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

BE/148/15/T	Various surgery to 3No Holm Oaks, 1No. Cherry, 1No. Liquid Amber, 1No. Fir & Fell 1No. Holm Oak tree	ApproveConditionally 18-11-15
BE/25/15/T	Fell 1 No. Holm Oak tree & surgery to 5 No. Holm Oak trees	Inc Docs Ret'nd 11-03-15

Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council
No Objections
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

T1 - Outwardly appears to be in a fine physiological state and stable, with an attractive crown profile. It has considerable presence when viewed from adjacent dwellings but is visible only in part from areas accessible to the public.

Building and cable clearance is adequate at this time but will become problematic in the short-term if left unchecked. The work proposal is a reasonable and well-intentioned response to this and I would expect there to be no detrimental effect on tree health and vitality; so long as a minimum of 2/3 existing live growth (needle-bearing twigs and small branches) is retained for each item pruned.

G1 - The obvious multi-stemmed holm oak, appears to be in a fair physiological state and stable. The upper limb and branch framework has achieved good symmetry and presents an attractive crown profile, despite arising from severely truncated multiple stems.

It grows at the rear of the property and can be seen from neighbouring dwellings but has only limited visibility from publicly accessible land.

Recommendations: As it stands, I recommend REFUSAL for this application.

Advisory:

· I would like to see the applicant submit a revised work specification for G1 such as detailed below, which would seem to address their concerns whilst preventing a diminution of the tree's landscape and visual amenity value:

G1 Holm oak

- Reduce branches as necessary to provide a maximum of 1.5m clearance from built structures.
- Crown lift to provide maximum 3metres overhead clearance on all aspects.

· 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:

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up area
TPO

DEVELOPMENT PLAN POLICIES

PLANNING POLICY 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

Following comments from the Tree Officer and the agreed revised description with the applicant, the works are recommended for approval.

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 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.