

Report to: PLANNING COMMITTEE

Date: 16 November 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: Flat 12, Du Cros House, 37 Brittany Road, St Leonards-on-sea, TN38 0RB

Proposal: X1 Pine Tree - Prune lateral branches away from the building by 3 linear metres.

Application No: HS/TP/16/00785

Recommendation: Grant Consent

Ward: GENSING

File No: BR68037/08

Applicant: Clr Judith Rogers Apartment 12 Du Cros House 37 Brittany Road, St Leonards-on-sea. TN38 0RB

Interest: Owner

Existing Use: Garden

Policies

Conservation Area: Yes - Markwick Terrace

Listed Building: No

Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 0

Petitions Received: Letters of Support: 1

Application Status: The applicant is a Councillor and therefore the application is not delegated and is being considered at Planning Committee.

Site and Surrounding Area

The tree in question is located within the application site. The tree is located in the north east corner of the site, adjacent to the junction of Dane Road and Brittany Road.

Guidance

Planning Practice Guidance including, 'Trees protected by Tree Preservation Orders and trees in Conservation Areas' Paragraph: 115 Reference ID: 36-115-20140306. Para's 089 (reference ID 36-089-20140306); 060, reference ID 36-060-20140306; 062, reference ID 36-062-20140306; 066, reference ID 36-066-20140306; 068, reference ID 36-068-20140306:

Paragraph 089 (reference ID 36-089-20140306):

"In considering an application, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it"

Paragraph 060, reference ID 36-060-20140306

"An exception may exempt landowners or their agents from the normal requirement to seek the local planning authority's consent before carrying out work on trees subject to an Order. These exceptions include certain work on dead trees and branches; on dangerous trees and branches..."

Paragraph 062, reference ID 36-062-20140306

"Anyone carrying out work to a tree, even under an exception, should ensure they do not contravene laws protecting wildlife..."

Paragraph 066, reference ID 36-066-20140306

"The applicant is not necessarily required to provide a formal scaled location or site plan. But the plan must identify clearly the tree or trees in question and, where appropriate, should identify main features of property affected by the application."

Paragraph 068, reference ID 36-068-20140306

"Applicants must provide reasons for proposed work. They should demonstrate that the proposal is a proportionate solution to their concerns and meets the requirements of sound arboriculture. The authority may ask for more information or evidence to help determine an application, but it has no power to require information beyond that specified in the standard application form."

Paragraph: 115 Reference ID: 36-115-20140306

"Trees in a conservation area that are already protected by a Tree Preservation Order are subject to the normal procedures and controls for any tree covered by such an Order."

Relevant constraints

Tree Preservation Order 08

Proposal

The application is for the following works: prune lateral branches of 1 x Pine by 3 linear metres. The proposed works are required to reduce the encroachment of the tree's branches towards the building on site.

Trees

The tree that is the subject of this application is protected by virtue of Tree Preservation Order 08. The tree species has been identified as 1x Pine, age class mature.

The tree is visible from the public highway, providing visual benefits to the local landscape.

Consultation comments

The **Borough Arboricultural Officer** raises no objection to the proposed works and notes; the tree appeared to be in good health and in good form.

Representations

At the time of writing this report, there have been no objections received. A letter of support has been received. The comments refer to supporting works to 5 trees, however this application relates to one tree only.

Determining Issues

Considerations

In considering this application, the local planning authority has assessed the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons put forward by the applicant.

It is considered that the proposed pruning works are not substantial and are unlikely to have a negative impact upon the local landscape or the long term health of the tree within the amenity. As such the reasons given for the works are justified in this instance.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Conclusion

The works are being proposed in accordance with BS3998: 2010, Recommendations for Tree work and in light of the above the application is considered acceptable and is recommended for approval subject to conditions.

Recommendation

Grant Consent subject to the following conditions:

1. The works hereby permitted shall be undertaken before the expiration of two years from the date of this consent.
2. The works shall be completed in accordance with BS 3998:2010

Reasons:

1. The works are considered acceptable at this stage in the life of the tree but the local planning authority would wish to reserve its right to review the situation in future.
2. In accordance with good arboricultural practice.

Notes to the Applicant

1. Failure to comply with any condition imposed on this consent may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. All work should be carried out by a competent tree surgeon.

Officer to Contact

Mrs M Botting, Telephone 01424 783252

Background Papers

Application No: HS/TP/16/00785 including all letters and documents