

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

REF NO: FP/119/18/T

LOCATION: 2A Blakes Road
Felpham
PO22 7EB

PROPOSAL: Crown reduction of 1No. Holm Oak by 1.5m from the height & 1m from the laterals

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated to the front of the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

FP/75/16/T	Reduce lateral spread by not more than 1.5m and height by not more than 1m to 1 No. Holm Oak tree.	ApproveConditionally 10-06-16
FP/25/11/T	Crown reduction to 1 No. Holm Oak tree.	ApproveConditionally 01-04-11
FP/83/09/T	Crown thinning 1x Holm Oak tree by no more than 25%	ApproveConditionally 05-08-09
FP/223/07/T	Prune back one Evergreen Oak tree.	Refused 12-11-07
FP/9/05/T	Pollarding of 1no. Evergreen Oak tree.	ApproveConditionally 25-02-05
FP/85/01/T	The crown be reduced by 30% with a 10% reduction of the remainder of growth.	ApproveConditionally 28-06-01

FP/46/98/T

Prune 1 Evergreen Oak tree

ApproveConditionally
01-06-98

FP/31/14/T

Holm Oak - Reduce in height by a maximum of 1m.
Reduce the lateral spread all round by 1m-1.5m
maximum.

ApproveConditionally
24-04-14

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Parish Council provided no objection

No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

Holm oak

A twin stemmed, lapsed pollard which has developed a compact rounded crown. It has a history of regular trimming across all aspects.

It occupies a prominent position to the front of the property and can be seen from a few adjacent properties and the public highway.

It appears to be in a fine physiological state. It is surrounded by hard surfacing and grows from within a raised brick/stone planter with altered levels concealing buttress root formation. Although of visual interest and an established part of the street scene, it is unlikely to be able to attain its full growth potential and remain in harmony with its surroundings.

Conclusions:

The proposal to reduce its overall height and spread with a view to maintaining it at reduced dimensions is justified and consistent with previous works approved by the Local Planning Authority.

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 CONSENT for this application, subject to the following condition:

Condition To Be Applied to Approved Work: -

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 tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

COMMENTS ON CONSULTATION RESPONSES:

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, it is recommended that consent be approved subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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 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 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, 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.