

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

REF NO: FP/128/19/T

LOCATION: To rear of 21 Hedgerow Close
Felpham
PO22 8BP

PROPOSAL: Cut back 1 bow/branch a maximum 2.5m from north aspect & reduce height by maximum 1m to 1 No. Field Maple tree (T1).
Cut back 2 bow/branches a maximum 2m from north aspect & reduce height by maximum 1m to 1 No. Field Maple tree (T3)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outline in this application are located to the rear of the property.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

No relevant history.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Felpham Parish Council

No objection.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree officers comments:

T1 & T3 Field maple / Acer campestre Approx. height: 12m Average spread: 3m Age class: Early mature

Outwardly and from a distance both trees appear generally stable, free from obvious structural defect and in fair physiological condition. Detailed and close inspection was not possible due to restricted view

of stem base and root-plate.

Both trees present leaning stems and asymmetric form, a probable legacy of early attempts to escape the shade of companion trees - from which they have emerged dominant/survived.

They grow at the rear of adjacent properties and can be seen from neighbouring dwellings but have only limited visibility from publicly accessible land. Nonetheless, they are recognised for their collective ecological and visual amenity value and worthy of the Order (TPO) which seeks to preserve their place in the landscape.

Conclusions:

The work proposed is justified on arboricultural grounds as it seeks to strike a balance between the tree's influence and potential impact on surrounding residential property and the need to retain trees with dignity by having respect for natural tree form.

If the work is undertaken to a high standard and at the right time then the trees should be able to remain as long-term visually interesting features in the local landscape.

Recommendations:

I recommend CONSENT for this application, subject to the following conditions and informatives.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the built up area boundary

Tree preservation orders

Special area of control (Adverts)

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

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 the comments of the tree officer, 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) 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 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.
 The long-term vitality of these trees is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid-winter (late-December to early-February) periods. The work must only be undertaken during these 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 Advisory:
 It appears that these trees may be under 3rd party ownership. We are therefore obliged to advise the applicant that any consent granted by the Local Planning Authority does not by association give authority to undertake the proposed work from/or cut back material to beyond the property boundary, without first seeking permission from the tree owner.

- 3 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.
- 4 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.