

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

REF NO: FP/145/19/T

LOCATION: 21 Virginia Gardens
Felpham
PO22 6BE

PROPOSAL: Reduce branches on west aspect only to achieve a maximum of 2m from the rear elevation of adjacent residential buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Reduce branches on west aspect only to achieve a maximum of 2m from the rear elevation of adjacent residential buildings.
TREES	The tree outlined in this application is located to the rear of the property.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
No relevant history.	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council
Felpham Parish Council provided no objection.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree officers comments:
This tree appears to be outwardly healthy and stable with an attractive crown profile. It should be noted that a comprehensive assessment of the trees condition was not possible due to the accumulation of household debris and organics material around its stem base.
It gives the impression of being slightly stunted a probable consequence of past pruning history and recent high intensity development on all aspects. The construction of residential dwellings so close to such a tree has inevitable led to 'pruning pressure'.

There has been a selective reduction of low limbs and branches on both West (towards buildings) and South (over park park) aspects. Although necessary, pruning cuts have been poorly targeted and not compliant with the British Standard for Tree Work.

The tree is important constituent of an established longline of trees which help to define the character of the area and provides landscape value. Although relatively discreet when viewed from within the Virginia Gardens development, it is prominent on the skyline from within and across the adjacent school playing fields.

Conclusions

Given the extent of its influence over residential properties, a degree of pruning is now necessary to achieve balance between the needs of this important tree and reasonable expectations of the occupier(s) of adjacent dwellings.

The type and extent of operation proposed exceed the recommendations in the British Standard 3998:2010- Tree Work and would be likely to result in harm to the health and vitality of the tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape.

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

Recommendation:

I recommend refusal for this application.

Advisory

I would like to see the applicant submit a revised work specification such as detailed below, which will improve conditions close to the dwelling whilst preventing a diminution of the trees landscape and public amenity value.

- Reduce branches on west aspect only to achieve a maximum of 2m from the rear elevation of adjacent residential buildings.

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.

Conditions to be applied to all approved works:-

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 shortended back the final cuts are to made at the correct 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.

Advisory:

All ivy should be cleared from the main stem and limb/branch framework to encourage the development of new growth from dormant bud locations.

All household debris and organic material around its stem base should be removed to discourage the presence of organisms which could be harmful to the health of the tree. Furthermore this clearance will facilitate a comprehensive health and safety assessment by the tree owner.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The revised description was agreed with the applicant.

Within the Built Up Area Boundary
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

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 tree officers comments and the agreed change of description with the applicant, it is recommended consent be approved 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.

Reasons: In the interest of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 Where the 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.
- 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.
- 5 ADVISORY: All ivy is cleared from the main stem and limb/branch framework to encourage the development of new growth from dormant bud locations.
- 6 ADVISORY: All household debris and organic material around its stem base should be removed to discourage the presence of organisms which could be harmful to the health and the tree. Furthermore, this clearance will facilitate a comprehensive health and safety assessment by the tree owner.