

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

REF NO: FP/151/18/T

LOCATION: Turret House
Limmer Lane
Bognor Regis
PO22 7EN

PROPOSAL: Reduce 2No.Holm Oaks back to previous pruning points.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application is located in the car park.
SITE CHARACTERISTICS	Block of flats with car park at rear and gardens to front.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

FP/144/17/TC	Fell 1No. Plum tree to ground level - Within the Felpham Conservation Area	No Objection 21-12-17
FP/15/17/T	Fell 1No. Cherry tree.	ApproveConditionally 28-03-17

History noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Felpham Parish Council:
No objection received from Felpham Parish Council - Tree warden advises work be carried out by a professional and experienced Tree Surgeon.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

Holm oak *Quercus ilex*, Height: Approx. 13m, Average spread: 7m, Age: Over-mature

·The application does not assign either oak an individual reference, although they are clearly distinct from one another in terms of size, age, visual amenity value and therefore what would constitute appropriate management.

·Our records suggest only one tree preservation order is in affect and this is Bognor No.5 (Area Order), confirmed 1963. This is helpful in that only one of three holm oak forming a linear group alongside the property boundary can be the subject of this Order, as described above. All three trees are within the Felpham Conservation Area.

·This tree is of an age and character such that it can be described as an 'emerging veteran'. It is visible from the adjacent public highway and neighbouring properties; thereby providing a notable visual amenity. Remarkably, it appears to be in a fine physiological state despite fairly hostile surroundings and historic pruning work. Although I can retrieve no record of a previous tree work application, it has been the subject of a heavy crown reduction but grown on well and presents an attractive crown profile free of any obviously significant mechanical defect.

·While it possesses a broad spreading crown, there is ample lateral clearance of residential building to the south although low branches may present obstruction to high-sided vehicles wishing to utilise the full extent of hardstanding to the rear of Turret House.

·The proposed work specification if taken literally, seeks to reduce the crown height and spread - at least in part repeating the earlier heavy overall crown reduction. Although the reasons given for the work suggest only low level property overhang would be removed, this is not explicit and needs to be for such an important tree.

Conclusion:

·Pruning work on the two small oak trees (as identified on the site plan inserted into this report) should not require the consent of the local planning authority, on this occasion. Although located within the Conservation Area (which ordinarily would require a Sect.211 'Notice of Intent') I am satisfied that neither tree is of sufficient merit to justify the making of a separate Tree Preservation Order to control their management, at this time.

·The large holm oak (T1) is a significant feature in the locality and appears to be in adequately sound and healthy condition. It is an aged specimen with safe and useful life expectancy, so should be subject to careful management. The tree surgery proposed in the application could result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

·In respect of all tree work within Conservation Area and/or the subject of an Order approved by the local planning authority; permission must be also obtained from the land/tree owner if intending to work/prune back beyond the property boundary.

Recommendations:

·I recommend REFUSAL for this application.

Advisory:

·I would like to see the applicant re-submit with a revised work specification such as detailed below, which would address the issue of low growth overhanging the property whilst preventing a diminution of the tree's landscape and public amenity value:

1x Holm oak

- Reduce or remove branches as necessary to achieve a maximum of 5m overhead clearance above property (Turret House).

Should this be submitted, I would be able to recommend CONSENT, subject to the following conditions being applied:

Conditions 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.

·The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

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 the comments from the Tree Officer, it is recommended consent be refused.

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

REFUSE

1 The large Holm Oak (T1) is a significant feature in the locality and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application could result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

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