

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

REF NO: FP/154/25/T

LOCATION: 9 Innerwyke Close
Felpham
PO22 8PY

PROPOSAL: 1 No. Copper Beech crown provide a maximum overhead clearance of 3.5m on all aspects and crown reduction to leave a minimum of 3m branch extension on all aspects, measured from the bark of main stem.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree stands within the front of 9 Innerwyke Close.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/167/24/T	Reduce to previous pollard points to remove 3.5 m to 5m to 2 No Lime trees.	ApproveConditionally 06-01-25
FP/203/02/T	Felling of 1 Lime tree & 1 Copper Beech tree. Lopping of 1 Lime tree (pollarded).	Refused 22-11-02

Relevant planning history noted.

REPRESENTATIONS

Felpham Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER

This tree appears to be in a fair physiological state. Whilst no obvious disease persists, it displays stunted growth. Growing conditions are hostile for a tree of this size and age.

There is a history of crown reduction pruning although I can find no record in the planning application history to confirm when last undertaken. No more than a metre of growth has advanced above an earlier topping point. Small diameter low branches are becoming problematic for those accessing properties.

No reason was given for the proposal but is assumed to primarily address spread of branches, extending into the applicant's property and overhead (BT) cables.

Conclusions:

There is no obvious arboricultural justification for a reduction in crown height or radial spread to the extent proposed, which would create new and unnecessarily large wounds across the crown. This significantly increases the risk of harm to long-term health and a loss of visual amenity.

A more sympathetic proposal is achievable, that would probably address any concerns for its above-ground influence, and preserve amenity.

Recommendation:

As it stands, I am unable to support this application. I would like the applicant to be invited to agree to an alternative proposal for lesser works (as described below) as part of the current application so as not to incur further delay.

- Crown lift to provide a maximum overhead clearance of 3.5metres on all aspects.
- Reduce crown spread to leave a minimum of 3metres branch extension on all aspects, measured from the bark of main stem.

If the applicant agrees to making the above changes to their proposal, then I would be able to recommend we grant consent, subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Tree Preservation Order (TPO Ref - TPO/FP/1/88).

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the tree officer, it is recommended consent be approved, subject to the following condition 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

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 Part a) 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.

Part b) 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 interest 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 (as amended), 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 0345 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.
- 4 INFORMATIVE: Although they may respond with vigour, beech have a poor tolerance of hard pruning and long-term vitality can be severely affected. The optimum time for pruning beech is late spring to summer (May to August).