

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

REF NO: FP/157/18/T

LOCATION: 37 Felpham Road  
Felpham  
PO22 7DA

PROPOSAL: Crown lift of 3m to 1No. Hornbeam & shorten remaining branch length heading North East by 3m

## SITE AND SURROUNDINGS

|                            |                                                                                                       |
|----------------------------|-------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above                                                                                              |
| TREES                      | The tree outlined in the application is located on the southern boundary of the gardens to the flats. |
| SITE CHARACTERISTICS       | Flats with surrounding gardens.                                                                       |
| CHARACTER OF LOCALITY      | Residential area.                                                                                     |

## RELEVANT SITE HISTORY

|             |                                                              |                                                                 |
|-------------|--------------------------------------------------------------|-----------------------------------------------------------------|
| FP/13/18/T  | 2m Crown Reduction to 1No. Hornbeam.                         | Refused<br>09-03-18<br>Appeal: Invalid - DOE<br>03-07-18        |
| FP/290/17/T | 2m Crown Reduction to 1No. Hornbeam.                         |                                                                 |
| FP/178/12/T | Crown reduce & crown lift 1no. Hornbeam tree by 3-3.5 metres | Refused<br>14-11-12                                             |
| FP/40/95/T  |                                                              | Refused<br>03-07-95<br>Appeal: Decline Jurisdiction<br>28-02-96 |
| FP/1/95/T   | Topping of 1 Sycamore tree                                   | Approve Conditionally<br>03-02-95                               |

History noted.

## REPRESENTATIONS

**REPRESENTATIONS RECEIVED:**

Felpham Parish Council

Parish Council response:

No objection - Tree Warden advises work to go ahead and to be carried out by a professional and experienced Tree Surgeon

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

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| <b>CONSULTATIONS</b> |
|----------------------|

Arboriculturist

**CONSULTATION RESPONSES RECEIVED:**

Tree Officer Comments:

Hornbeam *Carpinus betulus*, Height: Approx. 14m, Average spread: 6m, Age: Early-mature

· This is a fine example of its type, with excellent form arising from a lack of significant crown modification. Although not comprehensively assessed, it has apparent good health and appears stable and free of significant structural defect. It is visible from the adjacent public highway and neighbouring properties, thereby provides a notable visual amenity.

· Low branches have been removed in the past to permit access for vehicles to the commercial premises at the rear of adjacent property and achieve satisfactory overhead clearance of footpath serving residential properties - this has not had a detrimental effect on the tree's overall aesthetic value. Canopy height at present is adequate on all aspects.

· It is probably self-seeded and grows out of a short, steep bank - flanked on either side by the aforementioned access road and a low flint wall. It has an overbearing effect on the relatively recent development (Gateway Lodge).

Conclusion:

· The work proposed is reasonable as it aims to address both short/mid-term building interference and respect the natural form of the tree.

· The work if undertaken to a high standard will not incur a significant loss of visual amenity.

Recommendations:

· I recommend CONSENT for this application, 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 shortened back the final cuts must not exceed 50mm in diameter and 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.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted

**DEVELOPMENT PLAN POLICES****PLANNING POLICY GUIDANCE:**

|      |                                     |
|------|-------------------------------------|
| NPPG | National Planning Practice Guidance |
| NPPF | National Planning Policy Framework  |

**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 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.

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| <b>RECOMMENDATION</b> |
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**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 must not exceed 50mm in diameter and 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.
- 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.