

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

REF NO: FP/158/18/T

LOCATION: Gateway Lodge
Felpham Road
Felpham
PO22 7NS

PROPOSAL: Various work to various trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located various locations within the gardens surrounding the flats.
SITE CHARACTERISTICS	Flats with surrounding gardens.
CHARACTER OF LOCALITY	Residential Area.

RELEVANT SITE HISTORY

FP/183/86/T	Application To Lop And Top One Beach Tree And One Horse Chestnut Tree	ApproveConditionally 19-12-86
BR/738/73/T	One Tree To Be Felled	ApproveConditionally 02-10-73
BR/12/82/T	To Lop 3 No Macrocarpa And Thin Out 2 No Scots Pine Trees	Withdrawn 21-01-82
BR/213/77/T	Lop One Branch From 2 Elm Trees	ApproveConditionally 11-05-77
FP/169/17/T	Crown lift 1 No. Holm Oak by 5.1m to above gutter height of adjacent building & crown reduction by 1.75m to 1 No. Sycamore.	ApproveConditionally 13-09-17
FP/208/12/T	Reduce crown by 2 metres back to the original pruning points to 1 No Holm Oak	ApproveConditionally 10-12-12

FP/159/12/T	Surgery to 1 no. Alder, 1 no. Holm Oak, 1 no. Sycamore and 1 no. Horse Chestnut tree.	ApproveConditionally 15-10-12
FP/237/10/T	Surgery to 1 Horse Chestnut, 1 Hornbeam, 1 Sycamore, 1 Holm Oak, 2 Bay Laurel, 1 Holly, 1 Alder and removal of 1 Conifer tree.	ApproveConditionally 27-01-11
FP/43/08/T	Surgery to various trees.	ApproveConditionally 16-04-08
FP/152/06/T	Pollard 1 No. Holm Oak tree and remove branch of 1 No. Horse Chestnut tree	ApproveConditionally 11-08-06
FP/204/05/T	Remove bole growth from two horse chestnut trees, remove branch overhanging roof from one sycamore tree, remove low branches over pavement and lightly shape two bay laurels, and reduce height of one bay laurel to 2 metres	ApproveConditionally 28-10-05
FP/184/03/T	Fell one Horse Chestnut and grind stump	Withdrawn 10-10-03
FP/76/03/T	Thin and reduce height of two Bay trees, reduce height to 1 metre to one Bay tree, raise crown and thin one Holm Oak and remove bough overhanging road to balance one Beech tree.	ApproveConditionally 10-06-03
FP/149/01/T	Various tree surgery	ApproveConditionally 31-08-01
FP/29/96/T	3 Bay trees - topped to previous cut and shaped. 1 Evergreen Oak - Raise the crown to 4 mtrs and shape. 1 Sycamore - Reduce by 1/3rd and shape up. 1 Beech by flats 48 & 50 - Cut back two boughs on property side approx 1.2m (4ft). 1 Beech, Grassmere Close - Lop all branches overhanging road to approx boundary wall.	ApproveConditionally 29-03-96

FP/40/95/T		Refused 03-07-95 Appeal: Decline Jurdctn 28-02-96
FP/1/95/T	Topping of 1 Sycamore tree	ApproveConditionally 03-02-95
FP/173/92/T	Fell one Horse Chestnut tree	ApproveConditionally 12-02-93
FP/88/92/T	Remedial works to various trees	ApproveConditionally 06-07-92
FP/187/90/T	Top one Horse Chestnut tree by the removal of one third of its height	Refused 25-02-91 Appeal: Allowed 22-04-92
FP/9/89/T	Various works, including shaping , lopping, and pruning of 8 trees	ApproveConditionally 20-02-89

History noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Parish Council response:

No objection - Tree Warden advises all work to be carried out by an experienced and professional Tree Surgeon - except for T6 Holm Oak opposite 32 & 34 Gateway Lodge - not deemed necessary at this time.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

The applicant has employed Andrew Gale Tree Surgery Ltd. as agent, to prepare and submit a tree survey and plan. This is comprehensive and includes a detailed work specification with satisfactory reasons given for each item.

Notes for clarification of work specification:

T1 - A crown lift of 4m has been proposed to achieve adequate overhead clearance above driveway access and car parking area. The tree is growing from higher ground beyond a brick retaining wall. The extent of crown lifting approved therefore, is to be determined from the adjacent roadway, not at the higher level from which the stem emerges.

Conclusions:

·The schedule of work proposed is justified on arboricultural grounds. High profile specimen trees of significant public and visual amenity are to be carefully pruned to maintain reasonable enjoyment of property, gardens, access routes - and with respect to natural tree form.

·If undertaken to a high standard, this work will not incur a significant loss of amenity value to the surrounding area.

·With specific regard to T6 - while a temporary loss of aesthetic value is inevitable, satisfactory canopy renewal and recovery should occur if the work is undertaken to a high standard and at an appropriate time of year.

Recommendations:

·I recommend CONSENT for this application, subject to the following condition:

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 are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

·T6 - 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.

- See also the standard pruning guidance notes issued with the consent letter.

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 Office, it is recommended consent be approved subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

- 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.
 - T6 - 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.

- See also the standard pruning guidance notes issued with the consent letter.

- 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.
- 4 INFORMATIVE: Please see British Standard Pruning Guidance Notes for guidance on the f o l l o w i n g l i n k
http://www1.arun.gov.uk/PublicViewer/Authenticated/Main.aspx?user_key_1=FP/158/18/T