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

REF NO: **FP/169/17/T**

LOCATION: Gateway Lodge
34/36 Felpham Road
Felpham

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located on the land at Gateway Lodge, 34 - 36 Felpham Road, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/9/89/T	Various works, including shaping , lopping, and pruning of 8 trees	ApproveConditionally 20-02-1989
FP/187/90/T	Top one Horse Chestnut tree by the removal of one third of its height	Refused 25-02-1991 *Appealed* **Appeal: Allowed 22 04 1992**
FP/88/92/T	Remedial works to various trees	ApproveConditionally 06-07-1992
FP/173/92/T	Fell one Horse Chestnut tree	ApproveConditionally 12-02-1993
FP/1/95/T	Topping of 1 Sycamore tree	ApproveConditionally 03-02-1995
FP/40/95/T		Refused 03-07-1995 *Appealed* **Appeal: Decline Jurdctn 28 02 1996**
FP/29/96/T	3 Bay trees - topped to previous cut and shaped. 1 Evergreen Oak - Raise the crown	ApproveConditionally 29-03-1996

	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.	
FP/149/01/T	Various tree surgery	ApproveConditionally 31-08-2001
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 10-06-2003
FP/184/03/T	Fell one Horse Chestnut and grind stump	Withdrawn 10-10-2003
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 28-10-2005
FP/152/06/T	Pollard 1 No. Holm Oak tree and remove branch of 1 No. Horse Chestnut tree	ApproveConditionally 11-08-2006
FP/43/08/T	Surgery to various trees.	ApproveConditionally 16-04-2008
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 27-01-2011
FP/159/12/T	Surgery to 1 no. Alder, 1 no. Holm Oak, 1 no. Sycamore and 1 no. Horse Chetnut tree.	ApproveConditionally 15-10-2012
FP/208/12/T	Reduce crown by 2 metres back to the original prunning points to 1 No Holm Oak	ApproveConditionally 10-12-2012

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Parish Council - No objection.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

T1 - Holm Oak Quercus ilex Height = 10m Avge spread = 3.5m Age = Mature

- A healthy maturing tree that has been heavily topped out in the past and recovered a full crown of regrowth.
- Sound and healthy and makes an impact in the landscape but has a dense canopy of evergreen foliage close to habitable rooms and blocks a lot of light as well as touching the roof of the building - pruning would be prudent.

T2 - Sycamore Acer pseudoplatanus Height = 12m Avge spread = 5m Age = Mature

- A healthy maturing tree that has been heavily topped out in the past and recovered a full crown of regrowth.
- A healthy tree that makes an impact in the landscape but has an overhang of two building roofs and also has a large cavity in an old large diameter pruning wound - pruning would be prudent.

Conclusions:

T1 - Holm Oak

- The suggested crown lift to 5.1m above ground taking off all the epicormic shoots on the main trunk will significantly improve the situation as far as light restriction is concerned.
- The request to crown thin at the same time is I believe unwise and will achieve nothing as the tree will respond by putting back twice as many branches to fill in the space within one growing season.

T2 - Sycamore

- The request to crown thin will achieve nothing as the tree will respond by putting back twice as many branches to fill in the space within one growing season - far better to consider crown reduction instead.
- Pruning to achieve a 3m building clearance would be excessive and undermine the value of this tree in the landscape.

Overall, I sympathise with the reasons for pruning the trees - its just that they have chosen the wrong pruning options to address them.

Recommendations:

- I recommend APPROVAL for the crown lifting of T1 - Holm Oak by 5.1m as described in the application.
- I recommend REFUSAL of the thinning of the Holm Oak and Sycamore and also the pruning back of the Sycamore to provide a 3m building line clearance.

ADVISORY:

Suggest they come back in seeking the following works:-

T2 - Sycamore

- Crown reduce in both height and lateral spread by 1.5m to 1.75m

Comments on Consultation responses:

Comments noted the agent was contacted and agreed to the change of description as described in the Arboriculturalists response.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

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 resultant change of description, it is recommended that consent be granted subject to the following 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 neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

1 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.

2 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.