

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

REF NO: FP/182/25/T

LOCATION: 4 Ceres Place
Felpham
PO22 7RG

PROPOSAL: Fell 1 No. Pine (T1), fell 1 No. Holly (T3). Crown reduction to 1 No. Hornbeam (T5) to leave a height of 5m and spread of 4m. Removal of deadwood from 1 No. Pine (T2) and 1 No. Sycamore (T4).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located at 4 Ceres Place, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

No relevant planning history.

REPRESENTATIONS

Felpham Parish Council - No objection.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:****TREE OFFICER**

The removal of deadwood is an exception. Prior notice or consent from the local planning authority is not required.

There are two Monterey pine trees upon the plot and in close proximity. They share a root system and are of similar age, although T1 is clearly dominant. T2 has suppressed form and is in a fair physiological state. It remains to be seen whether it will thrive after removal of T1, but is useful in amenity terms, at least until such time as a replacement for T1 is established.

T1 has a truncated main stem which at approximately half height gives way to a previously subordinate leader supporting a healthy crown. Unfortunately the stem is significantly decayed; revealed by several open cavities exposing brown cubical rot. An active fungal bracket (probably *Dyers Mazegill* / *Phaeolus schweinitzii*) at the stem base suggests the root system will also be structurally compromised. As such,

the tree is hazardous given its location and potential target areas.

Conclusions:

T1 - The proposed work is justified on arboricultural grounds. There are no remedial pruning options available to mitigate the risk of stem failure. Whilst its removal will have a notable impact on the landscape, there is room to plant a replacement tree of similar ultimate size and character, and a more suitable species, which can be secured by condition.

T2 - T5 incl. - Prior consent for proposed work is not required from the local planning authority.

Recommendation:

We grant consent for this application subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Tree Preservation Order.

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 Once the tree has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same place or nearby and to within five metres, free from the interference of established and developing tree canopy so that it may develop an upright and uniform crown towards maturity.

This is to be of Selected Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads. It is to be planted within 12 months of the removal of the pine tree.

The species shall be selected from the following:-

Scots pine *Pinus sylvestris*

Corsican Pine *Pinus nigra* subsp. *laricio*

Austrian pine *Pinus nigra Austriaca*

The selected trees must be viable for long-term retention in the landscape after a period of five years from the date of this decision notice. Any tree dead, dying or considered unviable for long-term retention by the council's tree officer, will need to be replaced to the satisfaction of the local planning authority within 12 months of that determination.

Reasons: To accord with current industry guidelines and sound arboricultural practice in general.

- 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.