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

REF NO: **FP/185/17/T**

LOCATION: 28 Kingsmead
Felpham

PROPOSAL: 1No. Holm Oak - deadwood & thin by 30%, reduce crown by 4m & raise crown by 4m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 28 Kingsmead, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/117/09/T	Application to prune by 2 metres and raise by 5 metres the crown (south side) of 1 no. Holm Oak tree.	Refused 18-09-2009

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 = 7m Age = Mature

- This is a medium sized tree that makes a significant impact in the landscape and merits its TPO status.
- As far as I can ascertain it is sound and healthy.
- There is currently a 2m ground clearance.
- This is a squat and spreading tree with a dense evergreen canopy.

Conclusions:
- I have no problem with the crown lifting to achieve a 4m ground clearance provided that no branches over 100mm in diameter are removed in this process.
- However, if we then allow a height reduction by 4m this will effectively only leave 2m of live crown which will look very strange indeed and would undermine its appearance in the landscape.
- Similarly reducing the sides in by 4m would also be excessive and disfiguring.
- On top of all this work to then allow a thinning exercise would leave nothing recognisable as a tree in the landscape only a 'totem pole'.

Recommendations:
- I recommend APPROVAL for the crown lifting to achieve a 4m ground clearance provided that no branches over 100mm in diameter are removed in this process.
- I recommend REFUSAL for the thinning works and crown reduction works requested as they are excessive and would undermine this trees amenity value.
- Deadwood may be removed without reference to the local authority under the exemption clause - for safety reasons.

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.

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.

ADVISORY:
I suggest that the applicant re-submits seeking the following:-

- Reduce in height and lateral spread by a maximum of 1.5m.

Comments on Consultation responses:

Comments noted.

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 comments from the tree officer, it is recommended that consent be refused for the following reason.

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

REFUSE

1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual

amenities of the locality.

2 ADVISORY:
I suggest that the applicant re-submits seeking the following:-
- Reduce in height and lateral spread by a maximum of 1.5m.