

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

REF NO: FP/199/21/T

LOCATION: Land to rear of Flats 1-5
12 Limmer Lane
Felpham

PROPOSAL: Crown Reduction of 1 No. Sycamore tree to height 18m and spread 10m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located on the land to the rear of flats, with overhang over garages and a car park.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/17/16/T	Reduce south facing limbs by 1-1.5m & reduce crown by 2m to 1 No. Ash	ApproveConditionally 13-04-16
FP/182/13/T	Reduce height and spread of 1 No Evergreen Oak tree by approximately 4 metres with the removal of epicormic growth from main trunk.	ApproveConditionally 02-12-13
FP/82/92/T	Lop and top one oak and one sycamore	ApproveConditionally 06-08-92
FP/177/10/T	75% reduction to 1 Ash tree	Refused 12-10-10 Appeal: Dismissed 22-02-11
FP/188/03/T	Surgery to one Ash tree	ApproveConditionally 04-11-03
FP/87/11/T	Reduction of 1 no. Ash tree.	ApproveConditionally 14-06-11

FP/47/11/T	Reduce crown by 25-30% of 1 no. Ash tree	
FP/148/10/T	Fell 1 No Ash tree	
FP/202/08/TC	Reduce crown by 25% and remove overhanging branches to one Sycamore tree within the Felpham Conservation Area.	No Objection 20-11-08
FP/42/12/T	3m crown lift and 15% crown thin to 1 no. Evergreen Oak tree overhanging garden of Waterloo Villa.	ApproveConditionally 21-05-12
FP/126/05/T	Cut back one Evergreen Oak tree.	ApproveConditionally 11-08-05
FP/159/21/T	1 No. Sycamore - Crown reduction with thinning 30%	
FP/95/98/T	Raise crown to 1 No. Evergreen Oak tree	ApproveConditionally 14-08-98

Relevant planning history noted.

REPRESENTATIONS

Felpham Parish Council provided no objection to the application following an assessment from the Parish Council Tree Warden. They stated that the crown reduction seems appropriate given the position of the tree and the fact that its canopy hangs over the garages (one of which has asbestos) and neighbouring car park. They also added that the sycamore is inhibiting the growth of the neighbouring holm oak (which is a slower growing specimen), meaning a reduction to the sycamore would avoid possible damage to this tree.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

Outwardly and from a distance (roadside) this tree appears to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary.

It has previously been the subject of crown reduction pruning and displays 2-4m of growth from the established 'knuckles'. The finished dimensions of the tree (post-pruning) allow for those knuckles to remain intact across the crown.

It is visible from surrounding properties and to users of the public highway (footway and carriageway). As such, it has amenity value and contributes to the character of the area.

Whilst no evidence of the tree being in hazardous condition is provided; repeat operations such as now being asked for by the applicant will be necessary throughout the remaining lifespan of this tree, to achieve a reasonable degree of structural integrity appropriate for its location.

Conclusions:

The work proposed is justified on arboricultural grounds. If undertaken to a high standard and at the right time; then it is unlikely to have an adverse effect on the tree's long-term vitality and visual amenity.

The proposal to reduce its overall height and spread with a view to restricting its growth is justified and consistent with previous works approved by the Local Planning Authority.

Recommendation:

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

Conservation Area

Tree Preservation Orders

2km Buffer for Site of Special Scientific Interest

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

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following 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.

RECOMMENDATION

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

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 tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 INFORMATIVE: The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid-winter (late December to early February) periods.
- 3 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.
- 4 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.