

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

REF NO: FP/208/20/T

LOCATION: 8 Ceres Place
Felpham
Bognor Regis
PO22 7RG

PROPOSAL: Removal of roots beneath patio area of 1 No. Sycamore tree (T1)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 8 Ceres Place.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/142/20/T	Fell 1 No. Sycamore (T1)	Refused 05-10-20
FP/238/17/T	Remove lower branches of 1No. Sycamore by 3m	Inc Docs Ret'nd 17-11-17
FP/139/17/T	Remove lower branches by 1m & crown thin by 20% to 1 No Sycamore tree.	ApproveConditionally 17-08-17
FP/133/17/T	5m crown lift to 1 No. Sycamore.	Refused 17-08-17
FP/22/13/T	Fell 2 No. Sycamore trees	Refused 04-04-13 Appeal: Dismissed 08-11-13
FP/150/08/T	Prune limbs of 1no. Sycamore tree on north side to give a reduction of 3m	ApproveConditionally 23-09-08

FP/98/04/CLE	Application for a Certificate of Lawfulness for existing use as a single dwelling	Inc Docs Ret'nd 05-05-04
FP/205/02/T	Pollard or crown one Sycamore tree and fell one Pine tree.	ApproveConditionally 22-11-02
FP/9/01/T	General tidying of branches of 8 trees in rear garden and possible topping of one Scots Pine.	ApproveConditionally 16-03-01

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile arising from co-dominant stems.
It is visible from surrounding properties and in part to users of the public highway (footway and carriageway); a minor yet important constituent of an established line of mature trees which help define the character of the area and collectively represent a significant public amenity.
A report from a Chartered Surveyor describes damage as limited to the brick patio and an Arborist has investigated/identified a problem root from the sycamore. A subsequent excavation has been opened adjacent the leading edge (nearest the tree) of the brick patio, exposing several roots of 50-75mm diameter (see Fig.2.). Although not positively identified, it seems likely that they emanate from T1 and clearly a contributing factor in the damage event.
Figures 1 & 2 - Excavation revealing root material to be pruned out to facilitate repair of damaged patio.
Photo taken: 08-Dec-2020.

Conclusions:

The applicant has implicated this tree in damage to the brick patio, which is severely disrupted at its leading edge but otherwise appearing to be in a good state.
The condition of brick patio can be restored to original condition for the long-term and without undue harm to the ongoing vitality of T1; by carefully pruning out the roots exposed in the above excavation.

Recommendation:

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

Condition to Be Applied to Approved Work: -

Where roots are to be shortened back the final cuts are to be made at the correct angle, creating the smallest size of wound achievable and adjacent to a live lateral branch wherever possible.

Reasons: In the interests of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

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. The work should only be undertaken during these periods.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

DEVELOPMENT PLAN POLICIES

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/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 (granted), 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 roots are to be shortened back the final cuts are to be made at the correct angle, creating the smallest size of wound achievable and adjacent to a live lateral branch wherever possible.

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. The work should only be undertaken during these 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 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.