

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

REF NO: FP/225/21/T

LOCATION: 2A Blakes Road
Felpham
PO22 7EB

PROPOSAL: Crown reduction of 1 No. Holm Oak tree (T1) by 1m to the height and spread, to leave a finishing height of 8m and spread of 7m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is located at the front of the property, towards the centre of the garden / driveway.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/134/19/T	Re-Pollard 1 No. Holm Oak tree by 2 - 2.5m to previous knuckle heads.	ApproveConditionally 29-07-19
FP/119/18/T	Crown reduction of 1No. Holm Oak by 1.5m from the height & 1m from the laterals	ApproveConditionally 08-08-18
FG/87/18/T	*INCORRECTLY PARISHED - SEE FP/119/18/T* Crown reduction to 1No.Holm Oak by 1.5m from the height & 1m from the laterals	Non-determined 06-07-18
FP/75/16/T	Reduce lateral spread by not more than 1.5m and height by not more than 1m to 1 No. Holm Oak tree.	ApproveConditionally 10-06-16
FP/31/14/T	Holm Oak - Reduce in height by a maximum of 1m. Reduce the lateral spread all round by 1m-1.5m maximum.	ApproveConditionally 24-04-14
FP/25/11/T	Crown reduction to 1 No. Holm Oak tree.	ApproveConditionally

FP/83/09/T	Crown thinning 1x Holm Oak tree by no more than 25%	ApproveConditionally 05-08-09
FP/223/07/T	Prune back one Evergreen Oak tree.	Refused 12-11-07
FP/9/05/T	Pollarding of 1no. Evergreen Oak tree.	ApproveConditionally 25-02-05
FP/85/01/T	The crown be reduced by 30% with a 10% reduction of the remainder of growth.	ApproveConditionally 28-06-01
FP/46/98/T	Prune 1 Evergreen Oak tree	ApproveConditionally 01-06-98

Relevant planning history noted.

REPRESENTATIONS

Felpham Parish Council provided objection to the application and stated the requested work seems invasive. The Tree Warden stated the Oak has been regularly managed in the past and is in keeping with the property's well managed front garden. They suggest trimming the newer growth of the Oak's canopy but to avoid pruning any hardwood steams, unless they area dead, diseased or damaged.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

I have considered this application by means of a desktop review, using the information and plans submitted as well as online resources. Previous consideration from site and familiarity with surrounding areas provides further insight to the proposal.

A twin stemmed, lapsed pollard which has developed a compact rounded crown. Approval was given to

re-pollard the tree in July 2019 and it is assumed this application seeks to remove only the growth which has since occurred from established 'knuckles'.

It occupies a prominent position to the front of the property and can be seen from numerous dwellings and the public highway.

At the time of my last inspection from site (July 2019) it appeared to be in a fine physiological state and is assumed to remain so in the absence of any evidence provided to the contrary. It is surrounded by hard surfacing and grows from within a raised brick/stone planter with altered levels concealing buttress root formation. Although of visual interest and an established part of the street scene, it is unlikely to be able to attain its full growth potential and remain in harmony with its surroundings.

Conclusions:

The proposal to reduce overall height and spread with a view to maintaining it at reduced dimensions is justified and consistent with previous works approved by the Local Planning Authority.

While a temporary loss of aesthetic value is inevitable, satisfactory canopy renewal and recovery should occur if the work is undertaken to a high standard and at an appropriate time of year.

Recommendation:

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up area boundary

TPO

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 the 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 interest 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 the mid to late-winter period (January to February).
- 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.