

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

REF NO: FP/244/17/T

LOCATION: 26 Bryony
Lionel Avenue
Felpham

PROPOSAL: Crown reduction and lateral spread reduction of 1 No. Ash tree by 2.5m maximum.
Crown lifting of branches less than 60mm in diameter to a height from the ground of 5m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on a grass verge next to the rear garden of No26. Lionel Avenue.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

FP/161/05/T	Lopping & topping of 1 Mature Ash tree.	ApproveConditionally 20-09-2005
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Noted

REPRESENTATIONS

Representations received:

No response from Parish Council
No representations from nearby occupiers

Comments on Representations received:

Noted

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree officer comments
Common Ash

A mature tree in a highly prominent location.

This tree is sound and healthy and vigorous and makes a significant contribution in the landscape.

It has been heavily topped out in the past and is multi-stemmed at 2m agl with an open habit to the crown.

Conclusions

Reduction in height by 2.5m is acceptable

Reduction of the lateral spread by 5m would be excessive and exceed the recommendations of BS3998 and undermine the visual amenity value of this tree in the landscape.

Crown lifting to provide a 5m ground clearance by removing the newly formed branches from the turn to a maximum diameter of 60mm would be acceptable.

Recommendations

I recommend approval for the reduction in height by 2.5m and crown lifting of branches less than 60mm in diameter to a height from the ground of 5m.

I recommend refusal for the reduction of lateral branches/spread by 5m as this would undermine the trees amenity value and be contrary to BS3998 recommendations

Advisory

If the applicant resubmits or alternatively agrees to a 2.5m maximum lateral spread then I would advise an approval.

Conditions To Be Applied to All Approved Works:

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.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Tree preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPG
NPPF

National Planning Practice Guidance
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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following comments from the tree officer and the agreed change of description, it is recommended that 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

- 1 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.

- 2 **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.
- 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 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.