

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

REF NO: FP/250/19/T

LOCATION: St Marys Court
32 Limmer Lane
Felpham
PO22 7EU

PROPOSAL: Remove wind damaged branch from 1 No. Silver Birch tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the site of 32 Limmer Lane
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

FP/214/16/T	Fell 1 No. Cherry tree	Approve 31-10-16
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Relevant planning history noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Felpham Parish Council
No Objections
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

This tree was inspected from the garage complex to the south. Whilst having only a partial view of the tree's main stem and unions it appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile. It is an important constituent of a group of birch trees which collectively are a significant feature of visual interest.

- The proposal is to remove a wind damaged branch. I did not observe any obvious gale damage or cause for concern at the time of my inspection, nor has the applicant provided evidence of the same. The photograph submitted has been annotated to show their area of concern, but this captures a large portion of the tree or major stem at least - far from being a branch.
- The applicant does not provide any more detail as to the precise extent/nature of the damage, so I can only assume there is a perceived risk of damage rather than an established structural defect with the tree at this time.

Conclusions:

- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.
- Removal of the stem/limbs as shown encircled on the applicant's photograph would ultimately create a very large wound at the main stem with potentially serious implications for the tree's long-term health and vitality and would not comply with British Standard 3998:2010 Tree Work-Recommendations.
- The tree is an important constituent of 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.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary
Tree Preservation Order

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 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 consent be refused

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

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.