

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

REF NO: FP/3/26/T

LOCATION: 14 Manor Copse
Felpham
PO22 7AT

PROPOSAL: Remove small diameter branches back to established knuckles, to leave a finished height of approximately 20m and diameter spread of 8m to 1 No. Lime (T1).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree stands in the grounds of 15 Manor Close, adjacent to the highway.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/33/23/T	1 No. Lime tree (T1) to be reduced to a crown height of approx 20m and spread of 10m and removing all new growth.	ApproveConditionally 21-04-23
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Relevant planning history noted.

REPRESENTATIONS

Felpham Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer - From roadside this tree appears to be in a fine physiological state and assumed to be so in the absence of any statement or evidence provided to the contrary. It appears to grow within the grounds of 15 Manor Close and is prominent. As such, it has public amenity value.

Despite having been pollarded at around 10m height and subsequently reduced at around 20m; it presents an attractive crown profile. It was last given consent for whole crown reduction pruning in March 2023. This appears to have been acted upon shortly after, with 1.5m - 2.0m of growth now evident, beyond the established knuckles.

This proposal seeks to go far beyond the most recent operation, back to the original pollard points at c10m above ground level. This will more than halve the tree in height, creating large wounds across the main stem and limb framework.

Conclusions: The proposed work has not been justified on arboricultural grounds. 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.

Recommendation: As it stands, I am unable to support this application. I would like the applicant invited to agree to a revised proposal for lesser works (such as described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing the applicant's concerns whilst ensuring no undue detriment to tree health or loss of amenity: "Remove small diameter branches back to established knuckles, to leave a finished height of approximately 20m and diameter spread of 8m."

If the applicant agrees to the above revision, then I would be able to recommend we grant consent, subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant was invited to agree to the Tree Officer's amended scheme of work, to which they have agreed.

POLICY CONTEXT

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the tree officer, and acceptance of an amended scheme by the applicant, it is recommended consent be approved, subject to the following condition 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

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 Part a) 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

Part b) 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.

Part c) Where crown reduction work has occurred previously, the removal of subsequent growth (shoots and branches) and position of final cuts must ensure retention of all established knuckles.

Part d) All pruning cuts shall not exceed 50mm in diameter.

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 applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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 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.
- 4 INFORMATIVE: Hard pruning creates numerous and/or large wounds, incurring a physiological stress which may affect long-term health and vitality. The optimum time for pruning lime trees is late spring to summer (May to August).
- 5 INFORMATIVE: Where an applicant is not the stated owner of the tree(s), permission must first be obtained from the landowner before operating beyond the boundary of their own property. Consent from the local planning authority does not by association permit approved works to be carried out in the absence of such permission.