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

REF NO: **FP/4/16/T**

LOCATION: Land bordering 68 Outerwyke Road & Shirleys Garden
Felpham
Bognor Regis

PROPOSAL: Various surgery to 2No. Oak & 5No. Sycamore trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The works involved are the reduction/removal of various branches from the 7 trees.
TREES	The trees in question are located adjacent to the driveway in to Shirley's Gardens.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Strip of land containing trees
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

FP/5/91/T	Fell 4 Field Maples	Refused 11-03-1991
FP/76/92/T	Prune one may tree and fell 16 to 20 cupressus	ApproveConditionally 22-06-1992
FP/125/96/T	Lopping of 1 Sycamore, lopping & topping of 6 Sycamore, shaping of 1 Oak, shaping and topping of 1 Evergreen tree	ApproveConditionally 10-10-1996
FP/95/02/T	Fell 1 Fir tree	ApproveConditionally 13-08-2002
FP/50/04/T	Lopping of Sycamore, Oak and Hawthorn trees by 25%	ApproveConditionally 20-05-2004

Noted.

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection - works should be carried out by professional

Comments on Representations received:

Noted

CONSULTATIONS

Arboriculturist

Consultations responses received:

No objection subject to condition

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY 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

The trees have been inspected by the Council's Tree Officer who has raised no objection to the works taking place subject to conditions.

HUMAN RIGHTS ACT

FOR APPROVAL
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 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 neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The works hereby approved are:-

T1 and T2 reduction of no more than 2m.

T3 - reduction of 4m to the two lowest western spanning limbs and removal of a single heavily damaged western facing lateral limb.

T4 - T7 reduction of 4m to the western aspect and the removal of the 'pegs' left over from the previous pruning operation.

2 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

3 Crown Reduction
All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

REASON: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

4 Crown Clean
The Crown Clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve 'end weight' and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

REASON: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

5 INFORMATIVE: You should ensure you have the permission of the land owner prior to undertaking the works.

6 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.

7 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.