

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

REF NO: FP/59/19/T

LOCATION: 54 Outerwyke Road
Felpham
PO22 8NF

PROPOSAL: Fell 3 No. Monterey Cypress trees, and various works to 1 No. Silver Birch tree and 4 No. Monterey Cypress trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees in this application run along the western boarder to the property.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/56/19/T Complaint about high hedge located at 54 Outerwyke Road.

The hedge is a row of 8 Monterey Cypress trees, approx 80 years old and 1 Corsican Pine approx 70 years old. The hedge is continuous and approx 60 metres in length, growing to the east of the property. The hedge grows to a height of between approx 13.5 - 20 metres. There are several fractured branches and limbs within the hedge. A 4-5 metre high Yew hedge runs approx half the length of the rear garden under the tree canopy. At the southern end of the hedge there is Hawthorn and Maple tree. Work was carried out to reduce height of trees approx 5/6 years ago. Arun District Council instructed Mr Lonnen, owner of the property to maintain the re-growth and he has not carried out any work since this time. I have recently been in contact with Richard Martin, Parks and Greenspaces, who visited the property on 25th February 2019. He advised us to get in contact to get the Tree inspector to speak about removing the TPO's if necessary, as in my opinion the trees are in a poorer state and very close to the bungalow with lots of debris dropping to the ground.

FP/205/17/T Fell 1No. Poplar.

Refused

FP/246/10/T

Reduce branches to previous pruning points

ApproveConditionally
23-02-11

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

No objection - Tree Warden advises work to go ahead - to be carried out by a professional and experienced Tree Surgeon.

No response from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

T1 & T3-T9 Monterey cypress / Cupressus macrocarpa Average height: 18m Average spread: 6m Age class: Mature

T2 Black pine / Pinus nigra Approx. height: 18m Average spread: 4m Age class: Mature

No individual trees are worthy of specific comment for the purposes of reviewing this application; all can be satisfactorily considered for generic comment by virtue of their group value as follows:

The majority of Monterey cypress appear to be under varying degrees of physiological distress, evidenced by low upper crown density and localised branch dieback.

They grow all along the east boundary and dominate conditions in both front and rear gardens as well as overbearing the dwelling. They are prominent on the skyline from western public approaches.

While an established long line of large trees which help define the character of the area and represent a significant public amenity; they are of limited safe useful life expectancy and in several cases present a hazard to persons and property.

Conclusions:

The work proposed is justified on arboricultural grounds as it seeks to mitigate the risk of harm to persons and/or property and moderate tree's influence over adjacent residential property.

There will be some loss of public amenity on completion of the proposed works, but this is outweighed by the long-term potential for nuisance arising from the tree's uninhibited growth or presence.

Recommendations:

I recommend CONSENT for this application, subject to the following conditions:

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order

Built up area boundary

DEVELOPMENT PLAN POLICES**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 of the tree officer, it is recommended consent be approved subject to the following conditions and advisories.

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
- 2 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.
- 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 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.