

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

REF NO: FP/67/22/T

LOCATION: The Ridings
4A Wedgwood Road
Felpham
PO22 7JF

PROPOSAL: Various works to various trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	G1, T1 and T2 are towards the western boundary, T3 is to the south of the property on the southern boundary, and T4 is to the south east of the property, also on the southern boundary.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/166/21/T	English oak (T1) Remove lowest branch, cutting back to boundary line of 6 Wedgewood Road.	Refused 09-09-21
FP/239/18/T	Reduce back to previous treatment knuckles 1No. Oak tree. Reduce southern aspect by 3m to 2No Oak trees.	ApproveConditionally 14-01-19
FP/240/15/T	Remove south facing limb to 1 No. Oak Tree.	ApproveConditionally 15-02-16
FP/186/15/T	Various surgery to 6No. Oak trees	ApproveConditionally 01-12-15
FP/4/11/T	Crown thin of the previously lopped branches by 25% and a reduction of the remainder of the previously lopped branches by 30% to 7 no. Oak trees. Prune back to previous points of 1 no. Oak tree.	ApproveConditionally 03-03-11

FP/241/05/T	Topping and lopping of seven oak trees	ApproveConditionally 09-12-05
FP/168/00/T	Works to four Oak trees	ApproveConditionally 23-11-00
FP/154/97/T	Topping and lopping of four oak trees	ApproveConditionally 19-12-97
FP/115/95/T	Top 5 No. Oak trees	ApproveConditionally 01-12-95
FP/125/94/T	Lopping overhanging branches and make tidy 6 oak trees	ApproveConditionally 21-10-94
BR/1067/84/T	Fell One Oak Tree And Selective Lopping Of Six Oak Trees	ApproveConditionally 23-01-85

Relevant planning history noted.

REPRESENTATIONS

Felpham Parish Council - Objection:

- Object to the application based on the report by the Tree Warden shown below.
- The application on all six seems appropriate and not overly invasive, however, for G1 (Leyland cypress and laurel) it seeks to reduce trees down to height of existing bamboo which has since been reduced extensively, meaning there isn't a proposed marker to work to when reducing the trees in height.
- A suggestion is to reduce the top of each tree canopy by max 1m to ensure tree structure and health is not compromised.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

There is one Tree Preservation Order affecting this site (TPO/2/82/BR). Of the trees listed in the proposal

T1, T3 & T4 are protected by the Order. G1 and T2 do not merit preservation so need not be considered further.

The applicant has employed Beechdown Arboriculture Ltd. as agent, to prepare and submit a tree survey and plan. This is comprehensive and includes a detailed work specification with satisfactory reason given for each item.

Outwardly and from distance these trees appear to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary. They are important constituents of an established line of trees which help define the character of the area and are a significant amenity.

If the work is undertaken to a high standard and at the right time; then it is unlikely to have an adverse effect on the trees' long-term vitality and visual amenity.

Conclusions:

These are high profile trees of significant amenity value, to be carefully pruned to mitigate risk of structural failure within the crown and having respect for tree health and vitality.

Repeat operations such as now being sought by the applicant will be necessary throughout the remaining lifespan of these trees, to achieve a degree of structural integrity appropriate for their location.

The proposal to reduce overall height and spread with a view to restricting their growth is justified and consistent with previous works approved by the Local Planning Authority.

Recommendations:

I recommend CONSENT is granted subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built Up Area Boundary

TPO

2km Buffer for Site of Special Scientific Interest

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the Tree Officer, it is recommended 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 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.

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.

Where pollarding or crown reduction pruning has occurred previously, then the removal of

crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

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 long-term health and vitality of oak trees can be adversely affected by significant pruning such as proposed. The optimum time for this work is during the late spring to summer period (May to August).
- 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 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.