

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

REF NO: FP/76/18/T

LOCATION: 1 Westmorland Drive
Felpham
West Sussex
PO22 8LX

PROPOSAL: Fell 1No. English Oak

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 1 Westmorland Drive, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/191/09/T	Oak tree (T1) cut back 2m of branches away from roof & tv aerial as branches are overhanging the roof and knocking the aerial. Sycamore (T2) and (T3) cut back 1m of branches away from the roof & guttering.	ApproveConditionally 09-02-10
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Relevant planning history noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Felpham Parish Council
Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -

Pedunculate oak - Quercus robur - Height: Approx. 15m - Average Spread: 8m - Age: Mature

- This is a large spreading tree that has an imposing presence within the property and highly visible to the public at the junction of main residential roads.
- It is one of several mature oak and field maple locally that form part of a historic boundary line of trees.
- I saw no evidence of an obvious lighting strike (although cannot rule out the possibility) but share concern for the large areas of bark death and associated tarry exudate on the main stem. Although no obvious pathogen was apparent the symptoms are characteristic of Bulgaria canker infection and this could be explored as a possible cause of the crown dieback.
- There seems to be a close correlation between the region of bark death and crown dieback, suggesting xylem/phloem dysfunction. The remainder of the crown appears full and healthy, albeit with moderate shoot extension and crown density.

Conclusions:

- While undoubtedly under some physiological distress, the precise cause of it has not been evidenced at this time and so stabilisation/recovery of vitality potentially remains an outcome.
- The immediate hazard presented by large items of deadwood in the crown should be addressed by the applicant as a matter of priority. Such work does not require consent from the Local Planning Authority.
- This is an important tree by virtue of its landscape value and assumed life expectancy. No evidence has been provided to suggest it does not remain viable for medium to long-term retention.
- There is no Arboricultural reason for the tree to be felled and its felling would detract from the amenities of the locality.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Built Up Area

Tree Preservation Order

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 from the Tree Officer, it is recommended that 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) 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 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

REFUSE

- 1 This is an important tree by virtue of its landscape value and assumed life expectancy. No evidence has been provided to suggest it does not remain viable for medium to long-term retention. There is no Arboricultural reason for the tree to be felled and its felling would detract from the amenities of the locality.