

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

REF NO: FP/7/22/T

LOCATION: The Green (bordered by Copeland Rd, Minton Rd and the Ridgeway)
Felpham
PO22 8EF

PROPOSAL: 1 No. Willow tree (1) - remove 6m on N/E side to leave 2m and crown lift over road up to 2.5m. 1 No. Pine tree (2) - remove lowest limb on S/E. 1 No. Holm Oak (3) - Crown lift over road up to 2.5m and remove limb going into pine tree. 1 No. Poplar tree (4) - re pollard to previous points. 1 No. Pine tree (5) - Crown lift up to 2.5m on South side.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees are located in multiple locations. T1 to T4 are located along the western side of the site, T5 is located on the eastern side.
SITE CHARACTERISTICS	The trees are situated on a green open space.
CHARACTER OF LOCALITY	Private residential estate comprising a mixture of detached properties surrounding the green.

RELEVANT SITE HISTORY

FP/279/88/T	Lopping and pruning of one White Poplar tree and lopping and removal of dead wood from 3 Scots Pine trees	ApproveConditionally 14-11-88
FP/166/11/T	Fell 1No. White Poplar, Raise Crown to 1No. Evergreen Oak and trim to shape.	Refused 10-11-11
FP/218/11/T	Crown reduce 1 No Evergreen Holm Oak by 1 metre and remove remaining peripheral growth	ApproveConditionally 16-01-12
FP/227/14/T	Surgery to various trees	ApproveConditionally 23-02-15

Relevant planning history noted.

REPRESENTATIONS

Felpham Parish Council - No Objection:

- The proposed works to the various trees on the Green are suitable to keep the Green in a well-managed state, e.g. reducing growth of willow to avoid overhanging limbs on the road.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

The Green is affected by area Tree Preservation Order, Bognor No. 5 (A9). It protects whatever species were established at the time the Order was made (1963). My judgement is that only items T2 and T5 would be protected by that Order. The remaining trees listed in the proposal are not suitable candidates for a new Order so we need not consider them further.

Outwardly both trees appear to be in a fine physiological state. They are visually impressive with heavy low branches contributing greatly to their character.

They appear slightly stunted, a probable consequence of growing at such an exposed coastal location, to which they have adapted well. They can be clearly seen from numerous residential dwellings and to highway users. As such, they have high amenity value.

Crown clearance from carriageways appear adequate at this time.

Conclusions:

There is no obvious arboricultural justification for the work proposed (T2 & T5). Those trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of their landscape impact and undue detriment to the visual amenities of the locality.

T1, T3 & T4 are not the subject of any Order or within Conservation Area, so consent from the local planning authority is not required for the work proposed.

Recommendation:

I recommend REFUSAL for this application (T2 & T5).

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/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 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 There is no obvious arboricultural justification for the work proposed (T2 & T5). The trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed results in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.
- 2 INFORMATIVE: T1, T3 & T4 are not the subject of any Order or within Conservation Area, so consent from the local planning authority is not required for the work proposed.