

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

REF NO: FP/88/20/T

LOCATION: Tavistock Lodge
15 Vicarage Lane
Felpham
PO22 7DZ

PROPOSAL: Fell 1 No. Turkey Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is situated on the site of Tavistock Lodge 15 Vicarage Lane.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/31/01/T	Lop and top 8 Elm trees and 1 Oak tree	ApproveConditionally 18-04-01
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Relevant Planning History noted.

REPRESENTATIONS

Felpham Parish: Tree Warden advises that this tree needs lopping only and does not require felling.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

The applicant has submitted an Arboricultural Report from Beechdown Arboriculture Ltd in support of this application. This demonstrates thorough investigation of the tree's physiological state and structural integrity and is comprehensive in its analysis and recommendations.

· A tree that outwardly suggests it is of high amenity value demands any substantive work proposal be properly justified.

- This is a large tree growing close to the garden boundary and is dominant over the rear of 2a Blakes Road. Outwardly and from a distance this tree appeared to be in a fine physiological state and structurally sound. Close inspection from ground level suggests extensive decay and cavity formation at around mid-height may have brought it into a hazardous state. A climbed inspection (as undertaken by Beechdown Arboriculture Ltd) was necessary to adequately evaluate the extent and nature of that decay and cavities. The subsequent report provides us with confidence that the tree in current form presents an unacceptable level of risk for its location.

- Extensive crown reduction (pollarding) to reduce risk of failure to an acceptable level whilst retaining the tree would have to be repeated on a regular basis. This operation would diminish the trees visual contribution such that it would have negligible public amenity value whilst incurring an ongoing cost for the parties concerned.

Conclusion:

· The work proposed is necessary to mitigate an established high risk of structural failure with potentially catastrophic consequences - so is justified on arboricultural grounds.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up Area Boundary
Tree Preservation Order

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 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 consent be approved subject to the

following comments 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 Once the tree has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same place or nearby and to within 4metres. This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads. It is to be planted within 12 months of the removal of the Turkey oak tree. The species shall be selected from the following: -

Pedunculate oak *Quercus robur*

Field maple *Acer campestre*

Hornbeam *Carpinus betulus*

Reasons: To accord with current industry guidelines and sound arboricultural practice in general.

- 2 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.
- 3 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.