

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

REF NO: LU/229/19/T

LOCATION: Pharos Quay
River Road
Littlehampton
BN17 5BF

PROPOSAL: Various works to 7 No. Sycamore trees and 5 No. Himalayan Birch trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located in the grounds of Pharos Quay.
SITE CHARACTERISTICS	Flats.
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

LU/168/18/TC	Fell to ground level 2No. Sycamore trees within the River Road Littlehampton Conservation Area	No Objection 09-08-18
LU/57/15/TC	Fell 1 No Birch tree	No Objection 09-04-15
LU/54/15/TC	Fell 1No. Leyland Cypress within the Littlehampton (River Road) Conservation Area.	No Objection 01-04-15
LU/259/13/TC	Fell 1 No Leyland Cypress tree and thin crown by 15%, reduce crown by 3 meters and radial crown spread by 3 meters to 2 No Sycamore trees within the Littlehampton River Road Conservation Area.	No Objection 11-10-13
LU/269/13/T	Fell 1 No Birch tree, reduce crown by 3 metres and radial crown spread by 2 metres to 1 No Birch tree and reduce crown by 2 metres and radial crown spread by 1.5 metres to 1 No Birch tree.	ApproveConditionally 17-10-13

LU/310/05/T

Prune 2 no. Columnar (Acer Pseudoplatanus 'Erectum') trees.

Refused
28-11-05

Relevant History noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

No response from Littlehampton Town Council.

Arun District Conservation Area Advisory Panel:
Please refer to the Tree Officer

No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

5x Himalayan birch / Betula utilis var Jacquemontii Average height: 8m Average spread: 3m
Age class: Early mature

7x sycamore / Acer pseudoplatanus Average height: 7m Average spread: 2.5m Age class: Semi mature

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

Most trees are not worthy of specific comment for the purposes of reviewing this application; they can be satisfactorily considered for generic comment, as follows:

The majority of trees are in a fine physiological state and present attractive crown profile. There is a high density of established trees within the development, many of which add considerable value and have high growth potential. A degree of late-formative pruning and carefully selected branch shortening whilst retaining top-height/upper crown profile - is desirable at this time and should allow for future establishment without heavy low limbs becoming problematic in future.

The exception is T4 which has been proposed for removal. There is evidence of some crown dieback but only of minor extent at my time of inspection. If the tree is in serious decline so as to require removal, then there will be no significant loss of public amenity and a replacement tree can be planted.

Conclusions:

If the work to these trees is undertaken to a good standard and at the right time; then it is unlikely to have an adverse effect on their long-term vitality and visual amenity. Both tree-types in this application are prone to bleeding from pruning wounds. Birch trees are also intolerant of hard pruning - the timing of operations is critical to their ongoing health.

The work proposed is justified on arboricultural grounds as it seeks to strike a balance between the tree's influence and potential impact on surrounding residential property and the need to retain trees with dignity by having respect for natural tree form.

Recommendations:

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Orders
Within the Built Up Area Boundary
WSCC Mineral Consultation Area

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 tree officers comments it is recommended consent be granted 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.

The long-term vitality of these trees is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid-winter (late-December to early-February) periods. The work must only be undertaken during these periods.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- See also the standard pruning guidance notes issued with the consent letter

- 2 Once the tree (T4) 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. The applicant must advise the local planning authority when this has been carried out.
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 birch tree (T4).

The species shall be selected from the following:-

Field maple *Acer campestre* (an upright cultivar, e.g. 'Elegant').

Sweet Gum *Liquidambar styraciflua*

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

- 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.