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

REF NO: LU/316/23/T

LOCATION: Ground Floor Rear Flat D
58 Norfolk Road
Littlehampton
BN17 5HB

PROPOSAL: 1 No. Magnolia Grandiflora (T1) crown reduction to a height of 8-10m and a spread of 6-8m. Thin remaining crown by 30%.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located to the front of 58 Norfolk Road.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

LU/38/21/T	Crown reduction to 1 No. Magnolia Grandiflora (T1) to previous pruning points.	ApproveConditionally 15-03-21
LU/222/17/T	2.5m crown reduction & 1.5m crown raise to 1 No. Magnolia.	Approve 07-09-17

Planning history noted.

REPRESENTATIONS

Littlehampton Town Council - no response.
No representations were received from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER
Outwardly and from roadside this tree appears to be in a fine physiological state. It displays a full and compact crown, having responded well to previous whole crown reduction pruning (last undertaken c2021). The tree dominates the eastern outlook from multiple dwellings and branches nearly touch the building.

This proposal seeks a repeat of work previously granted consent by the local planning authority. Further operations will be necessary throughout the lifespan of this tree to achieve a degree of structural integrity appropriate for its location.

There is sufficient extension of new growth since the last operation was undertaken and so the proposal is justified on arboricultural grounds. There should be no long-term detriment to tree health and amenity, if the work is undertaken to a high standard and at an appropriate time of year.

The recommendation is to grant consent for this application subject to condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the tree officer, it is recommended that the application be approved conditionally.

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 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 shall be made as shown in Figure 2 of BS3998:2010

Where branches are to be shortened back, the final cuts shall be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Where crown reduction work has occurred previously, the removal of subsequent growth (shoots and branches) and position of final cuts shall ensure retention of all established knuckles.

Reasons: In the interest of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

2 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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 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.