

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

REF NO: P/4/19/T

LOCATION: 77 Harbour Road
Pagham
Bognor Regis
West Sussex

PROPOSAL: Fell 1 No. Ash tree and replace with 1 No. standard Rowan tree and Crown reduction of 1m to 1 No. Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located at the rear of the property.
SITE CHARACTERISTICS	Dwelling with garden to rear.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

P/80/12/T	Fell 1 no. Oak tree and fell 1 no. multi-stemmed Horse Chestnut tree.	ApproveConditionally 24-10-12
P/79/12/T	Fell 1 no. Oak tree (T1). Crown reduction to 1 no. English Oak tree (T2). Crown Lift 1 no. Ash tree (T3). Removal of dead Ash stump (T4).	ApproveConditionally 16-11-12
P/148/06/T	Surgery to group of trees consisting of 2No. Horse Chestnuts, 1No. Oak, 2No. Ash and 1No. Hawthorn	ApproveConditionally 12-01-07

History noted,

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council: No objection received from Pagham Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

T1 Ash / *Fraxinus excelsior*, Approx. height: 6m, Average spread: 2m, Age class: Semi-mature

T2 Pedunculate oak / *Quercus robur*, Approx. height: 5m, Average spread: 1.5m, Age class: Semi-mature

- Both trees appear to be in a fine physiological state. Their limb and branch framework has been subject to severe reduction such that their form is significantly compromised. That said, they have responded with uniform growth from reduction points and so when in leaf should present an attractive crown profile.
- They are prominent roadside and so visible from numerous properties and to traffic accessing/exiting the estate.

Conclusions:

- These trees are of a type that were bound to become problematic at their locations, being so close to residential dwellings and of high growth potential that regular containment-pruning was going to be necessary.
- The removal of T1 is unfortunate but on balance justified and will not incur a significant loss of public amenity.
- In respect of T2, which is the superior specimen - if undertaken to a high standard and at the right time there will be no significant loss of public amenity on completion of those works.

Recommendations:

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

Conditions To Be Applied to Approved Work: -

- 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 tree (T2) is best respected when significant pruning work such as proposed, is undertaken during the late-spring to summer period (May to August). The work proposed must only be undertaken during this period.

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

Mark Warwick

Tree Officer / Parks and Greenspace Team

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

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

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- 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.
- 4

INFORMATIVE:

For further guidance on the British Standard Pruning Guidance then please follow the link below:

http://www1.arun.gov.uk/PublicViewer/Authenticated/Main.aspx?user_key_1=P/4/19/T