

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

REF NO: P/68/19/T

LOCATION: Verge at Junction of
The Causeway and Kings Drive
Pagham
PO21 4PG

PROPOSAL: Fell 2 No. Whitebeam trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	Tree T1 is located on the corner of The Causeway and Viscount Drive and Tree T2 is located on the corner of The Causeway and Kings Drive
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential
None	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council
No objection - would like to see replacement tree planted.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

- T1 - growing in roadside verge outside 3 The Causeway. Prominent tree, highly visible to users of the public highway and from surrounding properties. Multiple stems from ground level.
- T2 - growing in roadside verge outside 6 Kings Drive. Prominent tree, highly visible to users of the public highway and from surrounding properties.
- Both trees are near or have reached the end of their safe, useful life expectancy. This is clear from my own inspection and evidenced in detail by the applicant.

Conclusions:

- The work proposed is necessary to mitigate an unacceptable risk of structural failure and so is justified on arboricultural grounds.
- There will be some loss of visual amenity on completion of the proposed works, although this can be compensated for with the planting of suitable replacement trees and their inclusion in a programme of aftercare.

Recommendations:

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

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

- Built up area
- TPO

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 conditions and informative.

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 trees have been felled (and either grubbed or ground out) then replacement trees are to be planted in the same place or nearby and to within 3metres. The species shall be selected from the following:-

Whitebeam Sorbus aria and its cultivars

Swedish whitebeam Sorbus intermedia and its cultivars

Alternative tree type at least of similar stature and subject to approval by the local planning authority.

They are to be planted within 12 months of the removal of the two whitebeam trees and are to be of Standard Nursery Stock proportions (minimum 10-12cm girth & 2m to 3m overall height) supported on stakes with appropriate securing ties and pads.

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.