

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

REF NO: P/78/21/T

LOCATION: 43 Sea Lane
Pagham
PO21 4UW

PROPOSAL: Various works to 1 No. Sycamore tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located at 43 Sea Lane.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

P/119/14/T	Lateral prune of lowest 5-6 branches to facilitate a crown lift of 6m above ground level, crown thin by 20%, remove deadwood & remove diseased branches to 1 No Sycamore tree	ApproveConditionally 15-01-15
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Relevant planning history noted.

REPRESENTATIONS

Pagham Parish Council - No Objection.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

Outwardly and from distance (roadside) this tree appears to be in a fine physiological state (and assumed to be so in the absence of any information/evidence provided to the contrary).

It has received extensive crown lift (low branch reduction/removal) pruning in the past. It exhibits a relatively unmodified and attractive upper crown profile, despite its exposure to coastal winds. It grows at the front of the property and is visible from surrounding properties and to users of the public highway

(footway and carriageway). As such, it has public amenity value.

Conclusions:

Although I do not find sufficient arboricultural justification for the entire work proposal, it is wellintentioned and there is clearly scope to improve conditions for the resident(s) with a more sympathetic pruning plan.

A tighter work specification is required for lesser works, to ensure whoever undertakes the work does not initiate any top-height reduction or excessive clearance around overhead cables (BT) routed through the crown.

Recommendations:

As it stands, I recommend REFUSAL for this application.

I would like the applicant to be invited to agree to a revised proposal for lesser works (such as described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing their concerns whilst securing existing landscape/amenity value:

- Reduce/remove epicormic growth to achieve a maximum of 3metres overhead clearance on all aspects.
- Reduce lateral spread (East aspect of crown only) by no more than 2metres, leaving approximately 5m minimum.
- Prune small branches (<50mm diameter) to remove direct interference (contact) with overhead cables (BT) routed through the crown.
- Reduce upper North-tending branch back, to achieve maximum 2metres clearance from building.

If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following condition:

Condition to Be Applied to Approved Work: -

Part a) 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

Part b) 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.

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-Up Area Boundary.

Tree Preservation Order.

2km Buffer for Site of Special Scientific Interest

Pagham Harbour Zone A

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the tree officer, it is recommended consent be refused. The applicant was offered the chance to a revised proposal but the applicant did not respond.

HUMAN RIGHTS ACT

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 A tighter work specification is required for lesser works, to ensure whoever undertakes the work does not initiate any top-height reduction or excessive clearance around overhead cables (BT) routed through the crown.