

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

REF NO: FG/153/21/T

LOCATION: 148 Littlehampton Road
Ferring
BN12 6PH

PROPOSAL: 1 No. Monterey Cypress tree (T2) - Remove low branches to achieve 4m maximum clearance above highway and drive, and reduce lateral extent of 1x N and 1x E extending limbs by a maximum of 3m. Amended Description.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	T2 located within the front garden of 148 Littlehampton Road.
SITE CHARACTERISTICS	Residential dwellinghouse
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

FG/65/21/T	Various works to 1 No. Monterey cypress (T2)	Refused 01-06-21
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Noted

REPRESENTATIONS

None

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Tree Officer -

I have considered this application by means of a desktop review, using the information and plans submitted as well as online resources. Previous consideration from site (May 2021) informs the process.

Outwardly and from roadside only this tree appears to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary. This assumption is reinforced by the report from Arun Tree Company Ltd submitted in support of the application.

It is a landmark tree with full and attractive crown profile, highly visible from surrounding properties and to users of the busy public highway (A259 dual carriageway).

At such an exposed location, it is foreseeable that branch fractures would accumulate over time. There are several visible from ground level inspection now requiring attention and it is conceivable that more may be found during climbed operations. Otherwise this is a fine, aged example of its type. As such, it is a good time to revisit the exceptions around removal of damaged/dangerous branches;
The removal of dead or imminently dangerous branches is an exception and does not require permission, although in respect of the latter those undertaking are required to notify this authority at the earliest opportunity and works should only be to the extent that the immediate threat to person(s) or property is abated. Any work desired beyond that which is absolutely necessary requires a formal application.

Conclusions:

- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. While the principle of risk management behind the proposal is sound, I do not find whole Crown reduction to be justified on arboricultural grounds.
- The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

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 preventing a diminution of the tree's landscape and public amenity value: Remove low branches to achieve maximum 4metres overhead clearance above highway (Worthing Road) and driveway and reduce lateral extent of prominent 1x N and 1x E tending limbs as described, by maximum 3m.

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

COMMENTS ON CONSULTATION RESPONSES:

The applicant has agreed to the lesser extent of works as such the Tree Officer will support the application.

POLICY CONTEXT

TPOs

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the tree officer, and the amendments to the intensity of works as per the new description namely;

- Remove low branches to achieve maximum 4metres overhead clearance above highway (Worthing Road) and driveway and reduce lateral extent of prominent 1x N and 1x E tending limbs as described, by maximum 3m,

it is recommended consent be approved (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 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 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, 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.