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

REF NO: FG/164/18/T

LOCATION: Land Opposite 15 The Poplars
Ferring
BN12 5QL

PROPOSAL: Remove branches from 2No. Austrian Pines which overhang No. 14,15 & 16 The Poplars and service road.

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	Land behind terrace properties.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

FG/102/17/T	2m height & lateral reduction to 1 No. Sycamore.	ApproveConditionally 07-08-17
FG/25/17/T	Fell 2No. Austrian Pines and replace with 2No. Scots Pines.	Refused 28-03-17
FG/193/16/T	Fell 1No. Sycamore.	Refused 30-03-17

Application for the felling of the trees was submitted and refused under reference FG/25/17/T

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Ferring Parish Council:

An objection received from Ferring Parish Council -
-Having looked at the trees and reviewed comments on the last application to fell, this application should

be declined. Pruning may destabilise the trees.

5 letters of objection received from nearby occupiers including Ferring Conservation Group:

- The needles, cones, pine sap and bird droppings are an inconvenience, but surely there are other measures of protection for property and vehicles that can be taken without resorting to the destruction of these trees.
- Unnecessary assault on the Poplar trees.
- Unnecessary damage wanting to be done to these two trees.
- It will also be more habitats for wildlife to be lost.
- Interest of public amenity.
- Removal of the amount of growth suggested in the application would start these trees on the way to their demise.
- The tree(s) in question are causing no harm nor damage to the property and do not constitute a risk.
- Trees which make an important contribution to the amenity of The Poplars.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

·These two trees constitute G2 as described in the original Tree Preservation Order.
·Both possess slightly contorted form, a probable legacy of past companion tree removal - but support full and spreading crowns. They appear to be in a generally fine physiological state and structurally sound.
·The frequent discarding of small branches is typical of such aged examples of its type at exposed coastal locations and not obviously associated with an underlying health condition. The removal of dead branches is an exception and does not require permission.
·These are fine examples of their type and visible from many surrounding dwellings and contribute significantly to the high canopy locally; thereby providing a notable visual amenity.
·The work description is open to interpretation. Having met with the applicant, I am able to clarify the agreed proposal as follows:
-T1 Reduce back branches overhanging property to boundary line.
-T2 Obvious first cluster of 3 branches on west aspect;
i) Remove lowest branch back to main stem
ii) Leave middle branch intact.
iii) Reduce back highest branch to boundaryline of property (15 The Poplars)

Conclusions:
·Individually and collectively they have high amenity value and are of mature age, so should be subject to careful management.
·I have a degree of sympathy with the adjacent occupants, who bear the brunt of seasonal nuisance from overhanging branches and the subsequent deposition of resinous material onto the property frontage and building fabric.
·The work proposed is justified on arboricultural grounds as it seeks to ensure reasonable maintenance

of the property (built structure) and with respect to natural tree form. If undertaken to a high standard, it will not incur a noteworthy loss of amenity value to the surrounding area.
·There will be no significant loss of public amenity on completion of the proposed works.

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

Conditions To Be Applied to All Approved Works: -
·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.

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.

Advisory:
·Where trees are situated on land not owned by the applicant the granting of consent by the Local Planning Authority does not give permission to undertake that work from or above that land, without first obtaining authority from the tree owner.

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 comments from the Tree Officer, it is recommended consent be 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 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.

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.

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 ADVISORY:
Where trees are situated on land not owned by the applicant the granting of consent by the Local Planning Authority does not give permission to undertake that work from or above that land, without first obtaining authority from the tree owner.

5 INFORMATIVE:
Please find link below to the Standard Pruning Guidance Notes.
http://stegosaurus.in.arun.gov.uk/PublicViewer/Authenticated/Main.aspx?user_key_1=FG/164/18/T