

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

REF NO: FG/170/20/T

LOCATION: Verge opposite 18a Ocean Drive
The Poplars
Ferring
BN12 5GJ

PROPOSAL: Various works to 6 No. Austrian Pine trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at the verge opposite 18a Ocean Drive.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
None.	

REPRESENTATIONS

Objection from Parish Council stating - Having read the proposed works, there is no reason to support this second application as basically the proposed works are detrimental to the trees as reported earlier by the councils Tree Officer to application FG/44/20/T.

Three representations from nearby occupier stating concerns on scale and the work seems unnecessary on such a vast scale they really only need a light pruning so the branches do not overhang and not reduced and damaged by such a large amount of pruning.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The applicant has employed WHS Tree Services as agent, to prepare and submit the application. This is well-intended, and the overall approach is clear although I had some difficulty associating work specifications with individual trees. That said, I feel able to adequately consider the application and make recommendations with confidence.

The pruning of pine trees should be selective and limited due to their intolerance of hard pruning and inability to produce new growth readily from older wood. These are established trees of significant public amenity and landscape value which help to define the character of this estate and so demand sympathetic management.

All trees in G3 appear to be on 3rd party land and not wholly in the ownership of any adjacent property.

The six pine within G3 appear outwardly to be in a fine physiological state. Their form is erratic and probably associated with strong coastal influence and historic incidents of gale damage.

Several low/mid-height limbs and branches are growing to dominate rear gardens of 18a-18c. A degree of property overhang is both necessary and desirable to ensure those trees retain visual amenity. A balance can be struck between that important aim and to ensure reasonable enjoyment of adjacent dwellings/gardens, although I find this work proposal excessive in places and open to interpretation.

My interpretation of the work proposal and comments specific to each tree:

T1 & T2 - The bulk of property overhang arises from these trees. Crown lifting to 5m could pave the way for excessive reduction of lateral spread (to achieve the proposed overhead clearance), resulting in unacceptably large wounds being created. The stated reduction of lateral spread from 8m to 5m is excessive and likely to result in decline of individual branches.

T3 - There is no growth below 5m ht. or significant overhang from the tree's east aspect.

T4 & T6 - Both trees are heavily suppressed by their companions and not obvious candidates for the work proposed.

T5 - Low branches are present (below 5m ht.) and could be removed without detriment to the amenity value of this tree. Property overhang is proportionate and should remain.

Conclusions:

These trees require careful management that respects their age and vulnerability to environmental changes and disease progression.

The applicant proposes 2-3metre reduction of lateral spread for several trees. If the full extent of meterage is applied, that would exceed the recommendations in British Standard 3998:2010 - Tree Work and cause decline in some of those limbs/branches.

The trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application could result in 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 our revised work proposal and only for the items listed 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 trees landscape and public amenity value:

T1 & T2 - Reduce radial spread by no more than 1.5m. In any event, a minimum of 6.5 metres lateral spread when measured from the main stem must remain. Crown lift by removal of/reducing small diameter branches (<100mm) to achieve a maximum of 4metres overhead clearance.

T5 - Crown lift by removal of/reducing small diameter branches (<100mm) to achieve a maximum of 5metres overhead clearance.

· 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 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:

It appears that these trees are under 3rd party ownership. We are therefore obliged to advise the applicant that any consent granted by the Local Planning Authority does not by association give authority to undertake the proposed work from/or cut back material to beyond the property boundary, without first seeking permission from the tree owner.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

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 the comments from the tree officer, it is recommended consent be approved (granted) subject to the following conditions and informatives.

Applicant agreed to tree officer's comments, but requested T1 & T2 to have a minimum of 6.5 metres lateral spread when measured from the main stem must remain, rather than the original 7m which the tree officer agreed to.

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.
- 2 INFORMATIVE: See also the standard pruning guidance notes issued with the consent letter
- 3 INFORMATIVE: It appears that these trees are under 3rd party ownership. We are therefore obliged to advise the applicant that any consent granted by the Local Planning Authority does not by association give authority to undertake the proposed work from/or cut back material to beyond the property boundary, without first seeking permission from the tree owner.
- 4 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.
- 5 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.