

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

REF NO: FG/206/18/T

LOCATION: 3 Alpha Court
Sea Lane
Ferring
BN12 5EB

PROPOSAL: Re pollard to previous pollarding points to 1 No. Common Lime tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the rear garden.
SITE CHARACTERISTICS	Dwelling with gardens to front and rear.
CHARACTER OF LOCALITY	Residential area.
History noted.	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Ferring Parish Council

Ferring Parish Council:

Objection received from Ferring Parish Council.

-No reason to reduce size of tree back to previous points only to reduce branches likely to touch house but not change existing size of tree and allow to develop further.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

·Outwardly and from a distance it appears to be in a fine physiological state with an attractive crown profile, despite past heavy pruning. Close inspection of the main stem reveals an established fungal decay event, which is likely to be significant for its long-term structural integrity.

- It grows at the rear of the property and can be seen from neighbouring dwellings but only with difficulty from publicly accessible land.
- It has been the subject of repeat crown modifications resulting in a dense, compact form.
- The proposal to repeat crown reduction work (or re-pollard) is normally accompanied by the removal of epicormic shoots (secondary growth) from about the main stem and crown-break. Although not applied for, this would be acceptable if undertaken at the same time.

Conclusions:

- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.
- The proposal to reduce its overall height and spread with a view to restricting its growth is justified and consistent with previous works approved by the Local Planning Authority.
- By virtue of its discreet location; there will be no significant loss of visual amenity on completion of the proposed works.
- Although I am unable to concur with the reasons stated as being sufficient to justify the work now proposed, there has been sufficient extension growth since the last operation (c2012) to support the current work proposal.

Recommendations:

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

Conditions To Be Applied to Approved Work: -

- 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
- The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.
- The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during the late-spring to summer (May to August) period. The work proposed must only be undertaken during this period.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

Mark Warwick

Tree Officer / Parks and Greenspace Team

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 the comments from the Tree Officer it is recommended consent be approved 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
 - The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.
 - The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during the late-spring to summer (May to August) period. The work proposed must only be undertaken during this period.

Reasons: In the interests of the trees 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 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.