

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

REF NO: FG/24/19/T

LOCATION: Grange House
Church Lane
Ferring
BN12 5HW

PROPOSAL: Reduce crown of 1 No. Ginkgo tree by 1.5m & reduce crown by 2.5m & crown lift lower canopy to 5m over highway to 1 No. Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at Grange House, Church Lane, Ferring.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/180/18/T	Height reduction by 1.5m and a lateral canopy reduction of 1.5m and 10% thin to 1No. Ilex Oak tree.	ApproveConditionally 04-01-19
FG/16/11/T	Crown thin by 30% and remove dead wood to 1 No Ilex Oak tree	Refused 27-04-11
FG/163/03/T	Application to fell two groups of Bay Trees	ApproveConditionally 19-12-03
FG/147/03/T	Lopping & topping of 2 Evergreen Oak and 2 Bay trees.	ApproveConditionally 14-11-03
FG/57/02/T	Crown reduction plus overall shaping of 1 Ginkgo (Maidenhair) tree. Crown reduction plus overall shaping of 1 Holly tree.	ApproveConditionally 12-08-02
FG/131/00/T	Lopping & topping of 2 no. Evergreen Oak trees and 2	ApproveConditionally

no. Bay trees.

26-01-01

FG/28/92/T

Reduce crown by 6'-8', general removal of dead branches and shaping of 1 Ilex Oak tree

ApproveConditionally
01-06-92

No relevant planning history.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Ferring Parish Council

Parish Council - Objection

- The objection would be withdrawn if the Tree Officers comments were accepted, and the relevant conditions were applied.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -

T1 Holm oak / Quercus ilex - Approx. height: 20m - Average spread: 8m - Age class: Mature

T2 Maidenhair / Ginkgo biloba - Approx. height: 12m - Average spread: 3m - Age class: Early mature

T1 - has recently been the subject of a similar application (FG/180/18/T) from the same applicant, albeit to a lesser extent, namely a 1.5metre crown reduction. As of the date of this report, that work had not been undertaken. This latest application proposes a greater reduction of 2.5metres. Neither operation would involve any cutting back beyond the obvious 'knuckles' developed since the last operation.

- This large tree appears to be outwardly healthy and stable with an attractive crown profile, despite past reduction work from which it has 'grown on' well. It grows at the front of the property and is prominent on the skyline from all aspects and can be seen from numerous dwellings and publicly accessible land.

T2 - appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile. It is visible from adjacent residential property but only with difficulty from publicly accessible land.

- It now grows in close proximity to a conservatory and although clearance is adequate at this time a degree of pruning will become necessary to maintain the same.

Conclusions:

T1 - This important tree requires careful management that respects its age and contribution to the character of the area.

- Although no compelling reason for the crown reduction operation exists at this time, I can sympathise with the desire to repeat some light 'containment pruning'. If the work is undertaken to a high standard and at the right time; then it is unlikely to have an adverse effect on the tree's long-term vitality and visual amenity. The work proposed is justified on arboricultural grounds as it seeks to maintain reasonable enjoyment of the property with respect to natural tree form and is consistent with previous works approved by the Local Planning Authority.

- The carefully selected reduction/removal of low branches to achieve 5m overhead clearance above the lane is necessary to prevent obstruction of vehicles and so is justified on arboricultural grounds.

- T2 - The proposal to reduce both the height and lateral spread on all aspects (the correct interpretation of crown reduction) by 2.5m respectively does not comply with 'British Standard (BS3998:2010) Tree work - Recommendations' and would be likely to result in harm to the health and vitality of the tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape.

· The tree work proposed in the application has not been justified on arboricultural grounds.

Recommendations:

· As it stands, I must recommend REFUSAL for this application as I find the proposal for T2 unacceptable.

Advisory:

- I would like to see the applicant submit a revised work specification for T2 such as detailed below, which would seem to address their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

- Remove/reduce branches as necessary to achieve a maximum of 1.5m clearance from adjacent built structures.

- 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 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

- 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.

- The removal of material during crown reduction work 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 (T1) is best respected when significant pruning work such as proposed, is undertaken during mid to late winter (January/February). The crown reduction work proposed must only be undertaken during this period. The crown lifting element may be undertaken at any time.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry

guidelines and sound arboricultural practice.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant was contacted with regard to the change of description and accepted, therefore, the application can be supported.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

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, and the resultant change of description, it is recommended that 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

In assessing this proposal neutral 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).

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.
 - The removal of material during crown reduction work 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 (T1) is best respected when significant pruning work such as proposed, is undertaken during mid to late winter (January/February). The crown reduction work proposed must only be undertaken during this period. The crown lifting element may be undertaken at any time.

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.