

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

REF NO: FG/31/21/T

LOCATION: 5 Green Park
Ferring
BN12 6QX

PROPOSAL: Various works to T1 - Pine

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 5 Green Park.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/144/05/T	Surgery to one Pine Tree	ApproveConditionally 23-12-05
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Relevant planning history noted.

REPRESENTATIONS

Objection from Parish Council:- the low branches prevent larger vehicles passing on the road which damages the tree. Therefore a crown lift would be more suitable.

One letter of support:- the work to the tree can be supported, the tree is concerning due to branches which hang in my garden and the highways, especially those than the hang on telephone wires.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Outwardly this tree appears to be in a fine physiological state with a full and wide crown profile, having been allowed to develop heavy low limbs. A visually impressive tree of high amenity value and having great influence over adjacent property.

Those low limbs give rise to a number of hanging branches, although carriageway clearance seems adequate around 4metres and entirely appropriate for the location. That said, there is scope for some light pruning to increase the margin of overhead clearance. Branches extending low towards the applicant's dwelling may well become problematic and I recognise they could already feel oppressive. Again, some pruning would be tolerable to improve conditions on that aspect of the tree.

The proposal involves the removal of 15 low limbs, which I find excessive and not entirely justified. I can find no official reference to a statutory height of clearance over the highway and so prefer to apply the common-sense rule for any minor or unclassified road that might require transit from emergency and refuse collection vehicles. In such cases 4metres is usually adequate.

The removal of dead branches is an exception and does not require consent from the local planning authority.

Conclusions:

The principle of the work proposed is sound although I find the volume of crown material to be removed in one operation excessive and unjustified.

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. It 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 2 lowest limbs growing over property (NW aspect), remove 2 lowest limbs growing over property (NE aspect), remove 3 lowest limbs growing over carriageway (SW aspect), remove 3 lowest limbs growing over carriageway (SE aspect).

Note: Lowest hanging (height of foliage bearing tertiary branches) rather than lowest at point of origin on main stem.

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 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 interests of the tree s 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

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.

The Applicant has agreed to the revised work schedule which the tree officer has stated.

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 The works hereby approved are to remove 2 lowest limbs growing over property (NW aspect), remove 2 lowest limbs growing over property (NE aspect), remove 3 lowest limbs growing over carriageway (SW aspect), remove 3 lowest limbs growing over carriageway (SE aspect).

Note: Lowest hanging (height of foliage bearing tertiary branches) rather than lowest at point of origin on main stem.

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

- 2 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.

- 3 INFORMATIVE: See also the standard pruning guidance notes issued with the consent letter
- 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.