

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

REF NO: FG/44/21/T

LOCATION: 47 Sea Lane Gardens
Ferring
BN12 5EQ

PROPOSAL: Reduce overall height and spread (repeat pollard) back to established 'knuckles'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 47 Sea Lane Gardens.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/118/01/T	Lopping and topping of 1 Willow tree and 1 other tree.	ApproveConditionally 04-01-02
FG/42/14/T	Reduce height by 3 metres, round off top and shorten spread on east by 1.5 metres to 1 No Willow tree	ApproveConditionally 21-05-14
FG/1/14/T	Reduce 1x willow tree by 5 metres	Refused 17-02-14
FG/202/07/T	Reduce Canopy of one Willow tree by approx 20%, lift canopy to give 4m clearance.	ApproveConditionally 18-01-08

Relevant planning history noted.

REPRESENTATIONS

No comments from Parish Council.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

T3 - Outwardly and from distance (roadside) this tree appears to be in a fine physiological state (and assumed to be so in the absence of any information/evidence provided to the contrary). It has previously been the subject of hard crown-reduction pruning. It is visible from the highway and surrounding properties. Repeat operations such as now being asked for by the applicant will be necessary throughout the remaining lifespan of this tree, to achieve a reasonable degree of structural integrity appropriate for its location.

- T5A - Discreetly located within the expansive rear garden, visible in part from neighbouring property. Clearly a tree in advanced state of decline (photographs submitted).

Conclusions:

T3 - The principle of reducing the tree's crown is sound and consistent with previous works approved by the Local Planning Authority although the extent now proposed exceeds the requirements of British Standard 3998:2010 Tree Work-Recommendations. Such work would likely 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.

T5 - The removal of a dead tree (subject of an Order) is an exception from the normal application process but requires a five working day notice to the local planning authority (LPA). The applicant can proceed with the removal of this tree without further recourse to the LPA, although a duty exists to provide a replacement.

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:

Reduce overall height and spread (repeat pollard) back to established 'knuckles.

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 being applied:

Condition to Be Applied to Approved Works: -

T3 Willow

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 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.

T5A Cherry

Once the tree has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same place or nearby and to within 4m.

This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads. It is to be planted within 12 months of the removal of the cherry tree.

Reasons: In the interest of T3'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

Advisory:

The long-term vitality of tree T3 is best respected when significant pruning work such as proposed, is undertaken during the late spring to summer period (May to August). The work proposed should only be undertaken during this period.

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/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.

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 T3 Willow:
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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 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.

T5A Cherry:
Once the tree has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same
place or nearby and to within 4metres.
This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short
stake' system with appropriate securing ties and pads.
It is to be planted within 12 months of the removal of the cherry tree.

Reasons: In the interest of T3's 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: The long-term vitality of tree T3 is best respected when significant pruning work such as proposed, is undertaken during the late spring to summer period (May to

August). The work proposed should only be undertaken during this period.

- 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.