

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

REF NO: FG/64/17/T

LOCATION: 48 Langbury Lane
Ferring

PROPOSAL: Crown lift in a balanced manner all around the lower skirt of 1No. Ash Tree to achieve a ground clearance of 5m + shorten back the lateral overhang above the shed at No 54 by a maximum of 1.5m making all final cuts adjacent to living growth points and leaving no stubs devoid of foliage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 48 Langbury Lane, Ferring.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

No relevant planning history.

REPRESENTATIONS

Representations received:

Ferring Parish Council

Parish Council - Objection - The Parish Council believe the works are excessive.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

Ash Fraxinus excelsior Height - 17m Spread - 7m Age - Early mature

- A sound and healthy tree of significant proportions.
- Because of the way that these properties have been laid out this tree overhangs four rear gardens.
- I sympathise with the desire to control the growth potential of this tree by way of periodic pruning operations.
- Crown lifting to 5m is a good way of achieving a better ground clearance and allowing more light to percolate under the canopy.
- However, lateral spread reduction to the north side above the new shed by 3m is excessive

and unnecessary given that the crown lifting operation will already have achieved a significant clearance from the shed.

Conclusions:

- I would have no problem with seeing this tree crown lifted and to a lesser degree the canopy overhang that remains above the shed cut back by some 1m to 1.5m maximum.
- There is an issue to be resolved here in that the owner of the tree is not the one that is applying for this work it is the tree surgeon working for the owner of the shed at No 54 that has applied.
- Thus any approval is in principle only and would require the owners approval to same and permission to access the tree from his garden at No 48. If this permission is not forthcoming then the tree surgeon would have to do the work from the garden of No 54 using step ladders and extending loppers.

Recommendations:

- I recommend REFUSAL of this application as it stands - as the works are excessive and do not comply with BS3998 recommendations and would result in damage to the health and vitality of this tree as well as undermining its visual amenity value in the landscape.

Advisory:

Recommend that the applicant re-submits seeking the following works:-

Ash - Crown lift in a balanced manner all around the lower skirt of the tree to achieve a ground clearance of 5m + shorten back the lateral overhang above the shed at No 54 by a maximum of 1.5m making all final cuts adjacent to living growth points and leaving no stubs devoid of foliage.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

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.

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

- 1 **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.
- 2 **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.