

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

REF NO: FG/6/18/T

LOCATION: 3A Ancren Close
Ferring
West Sussex
BN12 6PD

PROPOSAL: Reduce the height of 1No.Hornbeam by 2.5m and the spread by 3m to three sides of the trees. Crown thin by 25%.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated to the corner of the rear garden.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

FG/134/11/T	Reduce overall height by 1.8 m - 3 m, crown thin spread by 30% and remove deadwood to 1 No Hornbeam tree	ApproveConditionally 13-12-11
FG/121/07/T	Reduce overall height and spread of one hornbeam, thin the crown of the tree and remove dead wood	ApproveConditionally 19-09-07
FG/91/01/T	Reduce overall height and spread of one Hornbeam tree	ApproveConditionally 08-10-01

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish council provided no response
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

This tree appears to be in a fine physiological state with an attractive crown profile, despite its recent history of regular crown reduction work. I was unable to access the garden to inspect the tree closely, but have been able to determine its general condition and contribution to public amenity from roadside West and South aspects.

It is sadly constrained by adjacent development which has resulted in inevitable 'pressure to prune' and offers limited visibility from adjacent properties and busy public highway.

Historic low branch removal has been significant and this combination of extensive crown reduction (particularly on lateral aspects) and crown thinning work may have a detrimental effect on the tree's long term vitality.

Conclusions

This latest proposal to reduce its overall height and spread, whilst not entirely justified is in principle broadly consistent with previous works approved by the Local Planning Authority.

A medium sized tree currently which makes a small but noteworthy contribution to the area by virtue of its high canopy but sadly now in the wrong location to achieve anywhere near its full potential.

It has been established that repeat containment pruning will continue to be necessary throughout the remaining life span of this tree, to achieve a satisfactory degree of building clearance and allow for reasonable enjoyment of adjacent dwellings.

There are no obvious alternative pruning regimes that would allow for this tree to be reasonably contained and recover a more natural form, therefore I see no reason to refuse this application despite the inherent risks to its long term vitality from what is proposed.

Recommendations

I recommend consent for this application, subject to the following conditions

- The removal of the 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.
- 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.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

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 comments from the tree officer it is recommended consent be approved subject to the following conditions and informatives.

HUMAN RIGHTS ACT**FOR APPROVAL**

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 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.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice
- 2 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: 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.
- 4 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.