

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

REF NO: FG/85/21/T

LOCATION: 4 Jersey Road
Ferring
BN12 5PZ

PROPOSAL: Monterey Pine T1 & T2 Remove/reduce branches as necessary to achieve maximum 5metres overhead clearance above carriageway.
Monterey Pine T1 Remove two low and declining limbs, from Northern aspect (see figure 1).
Monterey Pine T2 Remove one low limb from Northern aspect (see figure 2).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 4 Jersey Road.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/124/20/T

1 No. Pine tree (T1) - Crown lift from ground level to 5 metres over road by removing lowest limbs. Crown clean and remove dying limbs over hanging drive way and remove all major deadwood.

1 No. Pine tree (T2) - Crown lift from ground level to 5 metres over road by removing lowest limbs. Partially reduce lateral limbs overhanging shed and rear garden by 2-3 metres to reduce weight on heavy limbs. Crown clean and remove all major dead wood.

Relevant planning history noted.

REPRESENTATIONS

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

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Outwardly and from distance (roadside) both trees appear to be in a fine physiological state (and assumed to be so in the absence of any information/evidence provided to the contrary). They have developed attractive crown profiles.

They are large and prominent; highly visible from surrounding properties and to traffic travelling through the estate. As such they have high amenity value.

Pruning of small diameter branches to achieve 5metres overhead clearance above carriageway is necessary to ensure unobstructed passage for high-sided vehicles and ought not to be detrimental to the tree's overall visual amenity.

Overhead clearance above property is mostly adequate. The removal/reduction of branches on the West aspect to achieve 5metres overhead clearance is excessive when combined with carriageway clearance, although individual limbs on Northern aspects are becoming problematic and could be removed without detriment to visual amenity.

Conclusions:

The removal of low branches to achieve 5m clearance above ground level simultaneously on East and West aspects is not justified on arboricultural grounds and the extent of crown volume loss likely to exceed that which is recommended in the British Standard (BS3998:2010) Tree work - Recommendations.

Crown reduction pruning on the West aspect over garden has not been justified on arboricultural grounds.

Shade cast by the trees does not appear excessive or to impact substantially on the enjoyment of any dwelling or garden.

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 trees landscape and public amenity value:

T1 & T2 Remove/reduce branches as necessary to achieve maximum 5metres overhead clearance above carriageway

T1 Remove two low and declining limbs, from Northern aspect (see figure 1).

T2 Remove one low limb from Northern aspect (see figure 2)

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 All Approved Works: -

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.

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:**

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