

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

REF NO: FG/92/20/T

LOCATION: 3 Lavender Court
Ferringham Lane
Ferring
BN12 5LX

PROPOSAL: Fell 1 No. Himalayan Cedar

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application are located in the grounds of 3 Lavender Court.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/16/19/T	Fell 1 No. Himalayan Cedar tree.	Refused 10-04-19 Appeal: Withdrawn 09-03-20
FG/83/96/T	Prune 2 No. Cedar trees	ApproveConditionally 26-11-96
FG/213/87/T	Light pruning of 2 Cedar trees	ApproveConditionally 22-02-88
FG/41/06/T	Fell 1 No. Blue Cedar tree on the south boundary	Refused 13-07-06

Relevant site history noted.

REPRESENTATIONS

Ferring Conservation Group:
Objection on the grounds of insufficient arboricultural merit and value to the street scene.

One letter of objection on the value of the tree on the street scene.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Himalayan cedar / Cedrus deodara Approx. height: 12m Average spread: 5m Age class: Mature

â€ I last visited this tree (April 2019) in response to application ref. FG/16/19/T.

- At that time, it appeared to be outwardly healthy and stable with an attractive crown profile. It gave the impression of being slightly stunted, a probable consequence of it growing in such an exposed coastal location. It is prominent at the front of the property and can be clearly seen from numerous residential dwellings and to highway users. As such, it has public amenity value.

- The applicant has implicated this tree in damage to the concrete footway, which was severely disrupted immediately adjacent the tree. Some damage (albeit to a far lesser extent) was observed elsewhere within the path. No obvious attempt had been made to repair (or investigate precise cause/nature of) the damage or propose an alternative landscape/engineering solution that would permit safe retention of this tree in harmony with its surroundings.

Conclusions:

- The applicant has not submitted any written arboricultural advice or technical evidence from an appropriate expert in support of the reasons given for the proposed works. Importantly, we have not been provided with any results of ground investigations to determine the precise nature/extent of tree root influence in the damage event or details of a landscape proposal that would permit safe retention of this tree in harmony with its surroundings.

- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

- The work proposed has not been evidenced as necessary or otherwise justified on arboricultural grounds.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within the Built Up Area Boundary.

Tree Preservation Orders.

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 refused.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The applicant has not submitted any written arboricultural advice or technical evidence from an appropriate expert in support of the reasons given for the proposed works. The, unjustified, felling of the tree will have a significant adverse impact on the visual amenities of the area.