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

REF NO: **FG/102/17/T**

LOCATION: 3 The Poplars
Ferring

PROPOSAL: 2m height & lateral reduction to 1 No. Sycamore.

SITE AND SURROUNDINGS

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

RELEVANT SITE HISTORY

FG/25/17/T	Fell 2No. Austrian Pines and replace with 2No. Scots Pines.	Refused 28-03-2017
FG/193/16/T	Fell 1No. Sycamore.	Refused 30-03-2017

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Ferring Parish Council

Parish Council - The proposed surgery is excessive.

Nearby occupier - Local residents believe that the proposed works are excessive and that they will affect the amenity value of the tree.

Comments on Representations received:

Noted, the Tree Officer comments address these issues.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

T1 - Sycamore Acer pseudoplatanus Height - 14m Avge Spread - 6m Age - Early-Mature

- Multi-stemmed at ground level but no signs of decay or weakness due to this fact.
- Of fair shape and form and contributes to the amenity of the area being visible from some distance outside of the site.

- Previously topped out just below the cable height and has re-formed a crown of regrowth from the old pruning cuts.

Conclusions:
- BT Open Reach have contacted the owners previously and asked them to prune the tree to clear the cables.
- It has been pruned before to allow for the free running of the cables and this work can be repeated now to solve this problem and also to maintain the tree at manageable proportions without destroying its amenity value.

Recommendation:
- I recommend APPROVAL for the works as applied for subject to applying the following condition :-

Conditions:

- 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

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

It is recommended that consent be 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

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 CONDITIONALLY

1 - 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: 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.

3 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.