

REPORT UPDATE

Application No: FG/103/09/T

Reason for the Update / Changes

Reason for Update/Changes:

2 additional letter of objection, 1 of which is from previous respondee:

The tree adds to the street scene and was there before the car showroom was. The trees fate should not be determined on the basis of limited technical data and for reasons of safety alone.

Officers Comment:

Noted: The tree has been assessed by the Council's Arborist who confirms inter alia that the tree has a hollow at the base and there is evidence of fungal growth.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

FG/103/09/T

TREE WORKS CONSENT REPORT

REF NO: FG/103/09/T

LOCATION: 50 Ferring Street
Ferring

PROPOSAL: Fell 1 no. Holm Oak & replace with 1no. Holm Oak approx 3-4m tall

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	There is a gentle upward slope from the street towards the garage building.
TREES	The Holm Oak that is subject of this application stands sentinel although there are other similar trees on nearby sites.
BOUNDARY TREATMENT	The front of the site is open with a dropped kerb allowing access from the road.
SITE CHARACTERISTICS	The site is occupied by a single storey building with front

roof dormers that previously housed a car sales garage but is currently vacant. There is a block paved parking area to the front and sides. The site is in a prominent location on a corner where Sea Lane and Ferring Street meet. The Holm Oak in question is positioned alongside the pavement in a raised brick planter.

CHARACTER OF LOCALITY

The site is located at the junction of two main roads on the southern edge of a shopping/commercial area. To the immediate north there are terraces of shops. To the south and east there are dwellings of a mixture of designs and scales. To the west there is a recreation ground. Ferring Street and Sea Lane are lined with well established, medium height trees and these help create a village green type appearance around the recreation ground and a semi-rural appearance to the roads. It is noted, however, that around the shops there are few trees, with parking areas in their place to the front of the buildings.

RELEVANT SITE HISTORY

FG/27/98/T	Lopping and topping of 1 Holm Oak tree	Approve Cond 20-05-1998
FG/146/05/T	Surgery to various trees	Withdrawn 20-12-2005
FG/60/78	Change of use from garden amenity land to car parking area to be used in conjunction with adjoining garage & wkshp	Approve Cond 31-05-1978
FG/81/79	Change of use from garden land to car parking area to be used in conjunction with garage and workshop	Approve Cond 19-09-1979

REPRESENTATIONS

Representations received:

Ferring Parish Council

Objection: The Parish Council objects in principal to the removal of this tree but understands the problems associated with the adjacent buildings and will accept the findings of the Arun District Council Tree Officer.

Ferring Conservation Group: Objection. Realise that there is a problem with root growth but cannot believe that felling is the only option. It is not within the Conservation Area but is less than 100 metres from it and it is an important part of the character of Ferring. The corner would look very bleak without it The business closed many months ago and it is not known what form of redevelopment might take place. Housing development would benefit from the amenity value of the tree. Would like to see some remedial treatment to the roots to stop any

damage to the existing building and any further consideration of felling the tree dealt with only in connection with any redevelopment, or change of use, of the site as a whole.

6 letters of objection:

This is a veteran tree that occupies a prominent site and is of very high amenity status and ecological value. Disagree that the tree is unsafe but agree the 'trips and falls' hazard needs to be abated. Although there are rot holes and ganoderma fungus present there is no reason for concern over structural safety. Eleven years of new growth illustrates the trees health. The retaining wall only needs repointing. The parking area is a public right of way. The answer is not to fell the tree and replace with another for the same problem to occur in the future. More needs to be known about the future of the site and a more comprehensive survey of the tree conducted. More detail is required for the site of the replacement if that course of action is taken. There is no apparent bat roost present in the tree but there is significant flight activity. Loss of the tree will seriously affect the ambience of the village centre. The tree appears healthy. The tree is older than the buildings which should have been constructed with the tree in mind. Reparative and preventative building works should be used. A replacement will take years to grow into any sort of stature. The preservation order should safeguard the tree. It is breaking the law to destroy it. It was shown in the great storm of 1987 that hollow trees were able to withstand it as they were more flexible. The decaying heartwood provides a habitat for insects, fungi and mosses which a younger tree cannot supply. The ground level must have been lowered and this has contributed to the situation. The main disturbance to the paving may have been caused by them being lifted to provide services.

Comments on Representations received:

The Council's Arboriculturalist has examined the tree and sees the proposed scheme as the most appropriate course of action.

It is fully accepted that the tree provides a significant visual amenity feature owing to its prominent corner location and the absence of any other trees on the corner. The loss of this visual amenity will be mitigated by the planting of a new tree, the details and location of which would need to be approved by the Local Planning Authority to ensure visual amenity is preserved.

The Council's Arboriculturalist considers that the problem could not be resolved by remedial treatment to the roots as it would render the tree unstable. There are no current planning applications or extent permissions for the redevelopment of the site and this should not preclude a decision on the matter in hand. Although appearing healthy, the Council's Arboriculturalist has confirmed the tree has a hollow at the base and suffers from fungal growth. The potential for the tree to provide a habitat is noted and the applicant will be made aware of the responsibilities over the protection of habitats as detailed in the Wildlife and Countryside Act (1981) and the ramifications of not taking this into consideration.

CONSULTATIONS

Horticulturist

Consultations responses received:

The tree, at distance, appears to be healthy and of a very high amenity value. The trees height is approximately 10 metres, the overall spread around 8 metres and the girth of the tree approximately 2 metres.

On close inspection the tree has a hollow at the base quite clearly visible on the north side. I

believe the tree is only being supported by the buttress root. Furthermore, there is no indication of where the aforementioned hollowness extends up the main trunk, or indeed to the roof plate.

The paving is being lifted in several places where roots have grown over a period of time. One of the roots, although not visible, had a large fungal growth appearing from between the block paving, while another root is growing towards the car showroom and is now lifting the internal flooring within and the metal door threshold is being lifted and twisted making it impossible to secure the property. There are almost sure to be other roots in the vicinity which are causing similar damage.

I do not consider that the problem can be solved by root pruning. This would render the tree unstable as it would reduce the anchorage of the tree on the side where it is most needed. The tree should be removed and the application permitted as the tree is in decline and a replacement planted into new soil and not necessarily on the same site to prevent risk of possible future fungal infection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Tree Preservation Order

Class C Road

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:

[GEN2](#)
[GEN7](#)
[GEN28](#)

Built-up Area Boundary
The Form of New Development
Trees and Woodlands

PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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

PRINCIPLE:

Although the tree is covered by a tree preservation order, this does not preclude its removal. The purpose of the order is to ensure that no works are carried out on the tree without prior approval from the Local Planning Authority who will consider the suitability of the proposal in terms of amenity and the health of the tree.

VISUAL AMENITY:

The proposed works will involve the removal of an established tree that provides a significant value as a visual amenity owing to its prominence and isolated positioning with no other trees immediately adjacent to it.

HEALTH OF TREE:

The Council's Arboriculturalist found the tree to be suffering from a hollow base and fungal growth. This indicates that the tree is in decline. In addition, the roots of the tree are causing damage to surrounding property which is currently vacant and may remain so if measures are not taken to protect it. The Arboriculturalist concludes that the removal of the tree should be permitted and a replacement could be sited more appropriately where it will not be at risk from fungal infection.

REPLACEMENT TREE:

A new tree which will be planted to help soften the impact of the loss of the existing tree. A condition will be attached to any approval given to ensure this measure is implemented and that the replacement tree is of a suitable species and maturity. The location of the tree may also be changed to prevent the replacement tree from being subject to the same fungal infection that has befallen the existing tree.

SUMMARY:

The proposed course of action is, on balance, considered to be acceptable in that the harm to visual amenity caused by the loss of the tree would be softened by a replacement which would be healthy and also remove the threat to the structure and safety of nearby buildings.

It is therefore recommended that the application be approved, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The applicant shall during the next planting season following the felling of the tree, the subject of this application, plant a replacement tree of a species and maturity and in a position approved by the Local Planning Authority and under its supervision and in the event that any such tree dies within five years following such planting shall replace it with a similar tree in a similar position during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 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.