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

REF NO: FG/119/23/T

LOCATION: 31 Ferringham Lane
Ferring
BN12 5NB

PROPOSAL: Various works to 2 No. Holm Oak trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Various works to 2 No. Holm Oak trees. (Removal/reduction of degraded/decaying wood.)
TREES	The trees to which this application refers are sited forward of the property boundary on roadside verge.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/55/17/T	Tree A (1No. Ilex Oak) - Crown lift to achieve a 2.5m ground clearance + crown reduce by 1m overall + thin by a maximum of 15% (equivalent to 1 in every 6 branches being removed). Tree B (1No. Ilex Oak) - Crown lift to achieve a 2.5m ground clearance + thin by a maximum of 15% (equivalent to 1 in every 6 branches being removed).	Approve 13-06-17
FG/25/12/T	Reduce in height by 5 metres to 1 no. Ilex Oak tree & reduce crown all over by 2 metres to 1 no. Ilex Oak tree	ApproveConditionally 30-05-12
FG/6/97/T	Lopping of 2 Ilex Oak trees	ApproveConditionally 14-02-97
FG/41/90/T	Topping of one Chestnut and two Ilex Oak trees	ApproveConditionally 30-04-90

Comments noted.

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REPRESENTATIONS

Ferring Parish Council - No support or objection, however the Parish Council aired concern over the frequency of works proposed to trees in this locality. It was confirmed that the detailed nature of report and proposed works would benefit the long term health of the trees.

No representation from nearby neighbours.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Council Tree Officer: 2x Holm oak / Quercus ilex.

Both trees are well established and offer high visual amenity value in the streetscene. Works specification is detailed and sympathetic to the trees' long term retention. Smaller branches no greater than 50mm dia. to be removed/reduced to address issues of decayed/degraded wood, in accordance with BS 3998:2010 Tree Works.

The works if undertaken to a high standard and at the right time, should not cause any undue harm or loss of amenity. The works have been justified on arboricultural grounds and recommended for approval subject to condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

T.P.O. Reference.
Built-up Area Boundary.

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.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

These high visual amenity value trees display decaying wood and cavities. The proposed detailed works to remove/reduce branches up to 50mm in diameter has been justified on arboricultural grounds, and if undertaken to a high standard and at the right time, will ensure the trees' long term health minimising any potential harm and loss of amenity. The works have been justified on arboricultural grounds and therefore recommended for approval subject to the following condition 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 a) 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.

b) 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.

c) Where crown reduction work has occurred previously, the removal of subsequent growth (shoots and branches) and position of final cuts must ensure retention of all established knuckles.

d) All pruning cuts shall not exceed 60mm in diameter.

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

2 INFORMATIVE: Whole crown reduction pruning creates numerous wounds, incurring a physiological stress which may affect long-term health and vitality. The optimum time for pruning a holm oak tree is mid to late winter (January/February).

3 INFORMATIVE: See also the standard pruning guidance notes issued with the consent letter.

4 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.

5 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.