

**Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (****REF NO:** FG/13/13/T**LOCATION:** Sea Lane Cottage  
258 Goring Way  
Ferring**PROPOSAL:** Raise canopy to 3.5m, remove dead and crossing branches, cut back branches from house/roof to obtain 2m clearance, reduce longest branches by up to 1m to 1 No Holm Oak tree (resubmission following FG/168/12/T)**SITE AND SURROUNDINGS**

|                            |                                                                                                                                                                                                                                            |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above. The proposal is for an amended scheme following the refusal of a previous application FG/168/12/T. Discussions were held between the applicant and the Council's arboriculturalist prior to resubmission of this revised scheme. |
| SITE AREA                  | Approximately 725 square metres.                                                                                                                                                                                                           |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                        |
| TREES                      | Large Holm Oak. the subject of this application, to the front of the property, adja3nt to the eastern site boundary.                                                                                                                       |
| BOUNDARY TREATMENT         | Hedging to front, approximately 1.2 metre high timber fencing to the eastern boundary.                                                                                                                                                     |
| SITE CHARACTERISTICS       | The site is occupied by a detached bungalow dwelling. Hard surfaced driveway and parking area to the front.                                                                                                                                |
| CHARACTER OF LOCALITY      | Residential development, set back from the street which is bordered by grass verging and lined be evenly spaced trees.                                                                                                                     |

**RELEVANT SITE HISTORY**

|             |                                                                                                                                                |                                    |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| FG/168/12/T | Crown lift; raise canopy to 5 metres all round, cut back 2 metres, remove large branches by up to 1 metre and remove deadwood to 1No Holm Oak. | Refused<br>11-01-2013              |
| FG/15/83/T  | Pruning to balance and shape tree - one ilex oak                                                                                               | Approve Conditionaly<br>02-03-1983 |

Previous application FG/168/12/T refused due to the excessive nature of works proposed.

**REPRESENTATIONS****Representations received:**

Ferring Parish Council

Whilst this is probably necessary for the residents either side it does seem severe but we will leave the final determination to Arun.

**Comments on Representations received:**

Noted.

**CONSULTATIONS**

Council's Arboriculturist

**Consultations responses received:**

The work to the tree was discussed with the tree surgeon after the initial application for similar works was refused. I understand that the proposal for surgery has been re-submitted following our conversation. The above application is now acceptable and all works should be carried out in accordance with BS3998 (2010).

A suggested Planning Condition should apply to all tree pruning operations including the 3.5m crown lift and side/partial crown reduction from the east. Wound sizes should not exceed 50mm in diameter and substantial leaf bearing side branch growth should be retained where possible.

**Comments on Consultation responses:**

Noted. Appropriate conditions will be attached to any given approval.

**POLICY CONTEXT**

Designation applicable to site:  
Tree Preservation Order

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:

**PLANNING POLICY GUIDANCE**

**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**

The tree is a distinctive feature within the street scene, however, it is larger than nearby trees, has become somewhat unbalanced in appearance. It is therefore considered that the proposed works would tidy the appearance and reduce the size so that it is more in context with surrounding landscaping whilst maintaining its continued presence as an important street scene feature.

Further, the clearance below the crown of the tree has grown marginal, to the point where the lower parts of the tree could come into contact with vehicles using the driveways that the tree overhangs. As well as having the potential to damage property, the tree itself could also be damaged by a collision and, as such, considered prudent to allow these works.

It is therefore recommended that consent for the works be granted, subject to the following conditions.

#### **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 for 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, it is not felt that its approval would result in a negative impact 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 The approval hereby granted relates to the following works only:

- Raising of canopy to a maximum of 3.5 metres;
- Removal of dead and crossing branches;
- Reduction of longest branches by maximum of 1 metre;

All works relate to the Holm Oak identified on the location plan accompanying the application.

Reason: In the interests of the health and appearance of the preserved tree.

- 2 Wound sizes should not exceed 50mm in diameter and substantial leaf bearing side

branch growth should be retained where possible.

Reason: In the interests of the health and appearance of the preserved tree.

- 3 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

- 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 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.

- 6 **INFORMATIVE:** All works should be carried out in accordance with British Standard 3998: 2010: Recommendations for tree work.