

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

REF NO: FG/193/16/T

LOCATION: 3-8 The Poplars
South Ferring

PROPOSAL: Fell 1No. Sycamore.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

TREES

The tree outlined in this application is located on the land The Poplars in Ferring..

SITE CHARACTERISTICS

Leisure area.

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
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Relevant planning history noted.

REPRESENTATIONS

Representations received:

Ferring Parish Council

No comments received from Parish Council.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

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 OpenReach have contacted the owners and asked them to prune the tree to clear the cables.
- I see no justification for the complete removal of this tree just to resolve a cables clearance issue.
- 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.

Recommendation:

- I object to the complete removal of this tree and recommend REFUSAL of the application.

Advisory:

- Recommend that they re-submit seeking pruning back down to the level of the old pruning wounds.

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
NPPG

National Planning Policy Framework
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 refused as recommended by the Council's Arboriculturalist.

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

REFUSE

- 1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The felling of the tree is deemed "unnecessary" and would cause a detrimental impact to the local area.