

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

REF NO: FG/215/21/T

LOCATION: 2 Phoenix House
Ferring Grange Gardens
Ferring
BN12 5HU

PROPOSAL: Fell 1 No. Sycamore tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	1 No. Sycamore tree to the front of Phoenix House.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/169/03/TC	Remove crown weight by approx 1/3 of one Sycamore Tree within the Ferring Conservation Area	No Objection 05-01-04
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REPRESENTATIONS

Ferring Parish Council:

Ferring Parish Council has no objection to this application, however if approved it is to include the condition that a suitable replacement tree 3 -3.6 high is planted in a location where it can develop and stand the test of time.

1 Objection from nearby occupier:

- No felling, tree surgery to be done, lopping or removal of branches.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Arun District Council - Comments:

- The tree appears to be in a state of terminal decline and increasingly diminished amenity value. Proposed work is necessary to mitigate risk of harm to persons or property and so justified on

arboricultural grounds.

- Local tree density and canopy cover is extensive enough within context of the site such as to preclude a requirement for compensatory planting.

Recommendation - Consent.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted.

POLICY CONTEXT

TPO on site.

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.

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the Tree Officers comments, It is recommended that the application be approved with the following 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

- 1 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.
- 2 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.