

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** FG/29/13/T**LOCATION:** 29 Ferringham Lane
Ferring**PROPOSAL:** Pollard 4 no. Holm Oaks by approx 5-6 metres.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The Holm Oaks form a line of trees on the verge to the front of the dwelling. There are no other significant trees on site.
BOUNDARY TREATMENT	Low brick wall to the front of the site.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling that is set back from the road with a hard surfaced parking area to the front.
CHARACTER OF LOCALITY	The site is located on a residential road that is bordered by grass verging, lines of trees and other mature landscaping which helps screen the built environment and produce a verdant, rural village characteristic.

RELEVANT SITE HISTORY

FG/10/89/T	Shape and prune 3 Ilex Oak trees to front of property bordering Ferringham Lane	Approve Conditional 27-02-1989
FG/8/97/T	Shaping, pruning and thinning of 3 Ilex Oak trees	Approve Conditional 21-02-1997
FG/17/77/TF	4 Ilex Oaks to be trimmed Subject of TPO 4/1958	Approve Conditional 06-04-1977
FG/133/79/T	Pruning of 3 Holm Oak trees	Approve Conditional 10-10-1979

REPRESENTATIONS**Representations received:**

Ferring Parish Council

Objection. Ferring Parish Council would like all trees to be replaced when they require radical reduction or come to the end of their life and such replacements must stand the test of time.

Comments on Representations received:

Noted. The application has been amended, on the advice of the Council's Arboriculturalist, and will now not involve any felling. Reductions that would harm the tree and threaten its continued existence would not be allowed. The trees have been pruned regularly over the years and are now being reduced to previous pollard points. It is therefore not considered that there is any justification whatsoever in asking for these healthy trees to be replaced.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Despite the hollowing and visible dead core wood no parasitic decay causing fungi was detected and the removal of the tree was found to be unnecessary as the reactive wood growth of the main stem has provided a substantial and healthy supportive structure for the above crown.

The recommendation is for all four trees is therefore to be pollarded and the owner is in acceptance of this where the tree work is subject to suggested conditions.

Comments on Consultation responses:

Noted. The applicant has agreed to amend the application in line with the recommendations of the Arboriculturalist and it therefore now involves pollarding only.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

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.

report

CONCLUSIONS

The individual Holm Oak trees form an evenly spaced line which borders the road and plays a significant role in defining the verdant character and appearance of the surrounding area. The proposed works will reduce the height of the trees but not the extent that their amenity value will be significantly detracted from.

It is noted that works have been carried out on the trees on a fairly regular basis over the years and the proposal involves pruning the trees back to previous pollard points. This is considered to be an example of good husbandry that will ensure that the trees continue to prosper and contribute positively towards their surroundings.

It is therefore recommended that the application is approved, 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 (insert number and description) 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 has been deemed that it would result in a neutral 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).

As such, no specific mitigation measures are required.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Multiple growths emerging from the primary branching structure at approximately 5m from the ground must not be cut below their point of origin as these must be retained after the pruning has been completed.

REASON: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity in accordance with policy GEN7 of the Arun District Local Plan and the British Standard (BS3998, 2010) Tree Work - Recommendations.

- 2 Wounds created by the removal of the multiple branch growths must not exceed 70mm in diameter. Stubs of approximately 10cm (hand width) should be retained above these points to allow for new growth to emerge.

REASON: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity in accordance with policy GEN7 of the Arun District Local Plan and the British Standard (BS3998, 2010) Tree Work - Recommendations.

- 3 Pruning cuts must be flat and smooth and made at right angles to the direction of branch growth.

REASON: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity in accordance with policy GEN7 of the Arun District Local Plan and the British Standard (BS3998, 2010) Tree Work - Recommendations.

- 4 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.

- 5 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.

- 6 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.

- 7 All works should be carried out in accordance with British Standard 3998 2010 Tree Work - Recommendations.