

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** FG/32/17/T**LOCATION:** 11A The Grove
Ferring**PROPOSAL:** 2.5m crown reduction to 1 No. Oak tree & remove secondary bough.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 11a The Grove, Ferring.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/94/93/T	Crown thinning by 20%, reducing overall size of crown by 2m and removing deadwood of 1 English Oak tree	ApproveConditionally 26-11-1993
FG/11/99/T	Lopping of two lower branches, crown reduction and thinning of one English Oak tree	ApproveConditionally 07-04-1999
FG/116/03/T	Felling and removal of one English Oak tree	Refused 19-09-2003
FG/23/07/T	Prune 1no. Oak tree by 15%	ApproveConditionally 16-04-2007
FG/50/12/T	Fell 1no. Oak Tree	Refused 14-06-2012
FG/35/14/T	Fell 1 No English Oak tree	Refused 23-05-2014
FG/83/15/T	Fell 1 No. English Oak tree.	Refused 01-07-2015 <i>Appealed</i> Appeal: Dismissed 09 02 2016

Noted.

REPRESENTATIONS

Representations received:

Ferring Parish Council

Parish Council - "Ferring Parish Council raises the concern that the proposal is excessive pruning and there is still no evidence of planting a future replacement as has been said in the past."

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

TREE OFFICER:

Pedunculate Oak *Quercus robur* Height - 7m Avg Spread - 4m Age - Early-mature

- This tree has been very heavily topped out in the past and this has given it a squat appearance.
- It is a small tree with a crown comprised of regrowth from old pruning wounds.
- The basal decay is not significant and the limb over the road is stunted and has some decay but is not about to fail.

Conclusions:

- As this is not a large tree the chances of limb failure are minimal and I therefore see no justification for the removal of the westward limb above the access road.
- The crown reduction and reshaping of 2.5m will be more than effective in rendering this tree safe.

Recommendation:

- I recommend APPROVAL for the 2.5m crown reduction exercise.
- I recommend REFUSAL for the requested removal of the secondary bough to the west side.

Comments on Consultation responses:

Comments noted, attempts were made to contact the applicant about a change of description to allow an approval but there was no response.

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

Following the comments received from the Tree Officer, it is recommended that consent be refused.

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 tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the health and vitality of the tree.