

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** FG/55/17/T**LOCATION:** 31 Ferringham Lane
Ferring**PROPOSAL:** Tree A (1No. Ilex Oak) - Crown lift to achieve a 2.5m ground clearance [1m more than at present]+ crown reduce by 1m overall + thin by a maximum of 15% (equivalent to 1 in every 6 branches being removed).

Tree B (1No. Ilex Oak) - Crown lift to achieve a 2.5m ground clearance [1m more than at present]+ thin by a maximum of 15% (equivalent to 1 in every 6 branches being removed).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

TREES

The trees outlined in this application are located on the land at 31 Ferringham Lane, Ferring.

SITE CHARACTERISTICS

Dwelling.

CHARACTER OF LOCALITY

Residential.

RELEVANT SITE HISTORY

FG/41/90/T	Topping of one Chestnut and two Ilex Oak trees	ApproveConditionally 30-04-1990
FG/65/90/T	Fell one Sweet Chestnut tree (Castanea Fagaceae) to ground level	ApproveConditionally 02-07-1990
FG/6/97/T	Lopping of 2 Ilex Oak trees	ApproveConditionally 14-02-1997
FG/69/11/	First floor extension	ApproveConditionally 25-07-2011
FG/100/70/T	Lopping of four trees	ApproveConditionally 09-10-1970

Relevant planning history noted.

REPRESENTATIONS**Representations received:**

Ferring Parish Council

Parish Council - Objection - The Parish Council feel the works are excessive.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

Tree A - Holm Oak Quercus ilex Height - 9m Av Sprd - 4.5m Age - Early Mature

Tree B - Holm Oak Quercus ilex Height - 6m Av Sprd - 3.5m Age - Early Mature

- They are part of a linear belt of trees positioned in grass verges outside of properties along this road to the east side of the houses.

- In this instance they are fairly close to the frontage of the house and with an evergreen species such as Holm Oak it will cast shade and block light all year round so I have sympathy for their situation and would support regular cyclic pruning works to keep this situation under control.

- They have both been heavily topped and lopped in the past and regrown full crowns from around old pruning wounds.

- They have a 1.5m to 2m ground clearance to the lowest part of their canopies thus there is around 7m of crown above this for Tree A and 3m for Tree B.

- If we permit a 5m crown lift on Tree A this would leave a 5m trunk with a 'lollipop' crown of 4m and then if we allow every one in three (30%) to be removed (thinned out) then this would leave hardly anything left of the tree.

- Similarly if we permit 4m crown lift on Tree B this would leave a 4m trunk with 'lollipop' crown of 2m and then if we allow every one in three (30%) to be removed (thinned out) then this would leave hardly anything left of the tree.

Conclusions:

- These trees have high amenity value in this area and it is important to balance this with a desire to constrain their growth potential.

- The works that have been applied for are excessive and do not comply with BS3998 recommendations so could be harmful to the ongoing health and vitality of these trees.

Recommendations:

- I recommend REFUSAL of the application - as the works are excessive and unacceptable and do not comply with BS3998 recommendations and would be harmful to the ongoing health and vitality of these trees.

Advisory:

Recommend that the applicant re-submits seeking the following works:-

Tree A - Crown lift to achieve a 2.5m ground clearance [1m more than at present]+ crown reduce by 1m overall + thin by a maximum of 15% (equivalent to 1 in every 6 branches being removed).

Tree B - Crown lift to achieve a 2.5m ground clearance [1m more than at present]+ thin by a maximum of 15% (equivalent to 1 in every 6 branches being removed).

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

Following the comments from the Tree Officer and the resultant change of description, it is recommended that consent be granted.

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

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 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.