

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** FG/57/12/T**LOCATION:** 1 Regency Court
Ferring Street
Ferring**PROPOSAL:** Re-pollard back to previous pollard points 1no. Sycamore tree at entrance of property**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 1297 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree subject of this application.
BOUNDARY TREATMENT	Flint wall on front boundary approximately 1.2m high.
SITE CHARACTERISTICS	2 storey blocks of flats. Red brick elevations, hipped red tiled roof.
CHARACTER OF LOCALITY	The site is within the Ferring Conservation Area, mix of different types and styles of properties within close proximity.

RELEVANT SITE HISTORY

FG/12/95/T	Reduce and reshape by approx one third 2 mature Sycamore trees	Approve Conditionally 24-03-1995
FG/120/07/TC	Pollard Sycamore tree within the Ferring conservation area.	No Objection 28-08-2007
FG/120/09/T	Re-pollard back to previous pollard points 1no. Sycamore tree at entrance to property	Refused 04-11-2009

REPRESENTATIONS**Representations received:**

Ferring Parish Council

Ferring Parish Council (FPC) would like to see that all trees are replaced when they come to the end of their life. There is no objection to reasonable pruning but FPC would be grateful if Arun District Council could add this condition to all Planning Application approvals which involve trees.

1 letter of objection:

-No surgery due to nesting birds.

Comments on Representations received:

Comments on Parish Response:

The application does not seek permission for the tree to be removed, nor is it at the end of its life. Any works to the remove the tree will require permission and if submitted and agreed, only then could this Authority attach a condition for a replacement tree under the relevant legislation.

Comments noted. Informative to be attached advising applicants of the relevant wildlife orders.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Conservation Area Advisory Committee: No comment

Councils Arborist:

The Sycamore tree is healthy and clearly shows the pollard points which have been created successfully from the primary branch structure. Re-growths from the pollard points have extended and cause excessive light loss to the adjacent property. It would be appropriate to reduce the crown however due to the nature of this pollarded tree it would be difficult to achieve a decent shape without those slender re-growths becoming stubby, lacking side branches and look rather odd.

Condition suggested regarding the proposed works.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built-up Area Boundary

Conservation Area

Tree Preservation Order TPO/FG/14/61

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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

The proposal seeks consent to Repollard 1No.. Sycamore tree covered by a Tree Preservation Order. The tree is located at the entrance to Regency Court.

The Councils Arborist has stated that the works would be acceptable, subject to them being carried out in accordance with a suggested condition. In the absence of any loss of amenity to the tree and given the previous works which have taken, it is recommended that the application be approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Only the re-growths from the swollen knuckle points and deadwood to be removed.

The individual primary pollarded branches should be shortened and above a suitably smaller lateral branch.

Where no suitable side growths exist then an 80mm-100mm length live stubs from the knuckles should be retained.

Pruning wounds should not exceed 120mm in diameter.

All final pruning cuts must not be cut flush, but should be cut cleanly and smooth and at right angles to the direction of the pollard branch.

All pruning work must be carried out in accordance with accepted and current Arboricultural standards and principles of the BS3998 (2010) Tree Work Recommendation .

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity.

- 2 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.

- 3 **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.

- 4 **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.