

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

REF NO: FG/7/19/T

LOCATION: 11a The Grove
Ferring
BN12 5JA

PROPOSAL: Crown reduction to previous knuckles removing epicormic growth from main stem and crown break to 1 No. Oak tree.

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/32/17/T	2.5m crown reduction to 1 No. Oak tree & remove secondary bough.	Refused 11-05-17
FG/83/15/T	Fell 1 No. English Oak tree.	Refused 01-07-15 Appeal: Dismissed 09-02-16
FG/35/14/T	Fell 1 No English Oak tree	Refused 23-05-14
FG/50/12/T	Fell 1no. Oak Tree	Refused 14-06-12
FG/23/07/T	Prune 1no. Oak tree by 15%	ApproveConditionally 16-04-07
FG/116/03/T	Felling and removal of one English Oak tree	Refused 19-09-03

FG/11/99/T	Lopping of two lower branches, crown reduction and thinning of one English Oak tree	ApproveConditionally 07-04-99
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FG/94/93/T	Crown thinning by 20%, reducing overall size of crown by 2m and removing deadwood of 1 English Oak tree	ApproveConditionally 26-11-93
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Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council - No comments received.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -

Pedunculate oak / Quercus robur - Height: Approx.8m - Average spread: 4m - Age class: Early mature

- This tree appears to be in a fine physiological state. It has a compact form having been previously been subject to substantial modification of limbs and branches, but presents an attractive crown profile.
- There is a large old wound on the main stem with reasonable woundwood forming. There does not appear to be any significant decay associated.
- It grows to the front of the property and can be seen from most dwellings within the cul-de-sac but only with difficulty from the publicly accessible through road.

Conclusions:

- If the work is undertaken to a good standard and at the right time; then it is unlikely to have an adverse effect on the tree's long-term vitality and visual amenity.
- The proposal to reduce its overall height and spread with a view to restricting its growth is justified and consistent with previous works approved by the Local Planning Authority.

Recommendations:

- I recommend CONSENT for this application, subject to the following conditions:

Conditions To Be Applied to Approved Work: -

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they

are to be made as shown in Figure 2 of BS3998:2010

- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.
- The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.
- The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during either the late spring/summer (May to August) or winter (December to February) periods. The work proposed must only be undertaken during these periods.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICES

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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

It is recommended that consent be granted subject to the following conditions and 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) 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 CONDITIONALLY

- 1
 - Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
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Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2

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.
- 3

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.