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

REF NO: **FG/86/13/T**

LOCATION: 10 Ancren Close
Ferring

PROPOSAL: Fell 2 No Hornbeam trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The two Hornbeam trees to be felled are situated in the rear garden.
TOPOGRAPHY	Predominantly flat
TREES	Hornbeam trees subject of the application.
BOUNDARY TREATMENT	Open to front and close boarded fencing at approximately 1.8m in height and hedging in places at over 2m to rear.
SITE CHARACTERISTICS	A detached bungalow with smooth rendered elevations painted white and a pitched roof with brown pantiles. Integrated garage to side.
CHARACTER OF LOCALITY	Residential in character with similar detached bungalows in the street scene. Tall trees are generally situated to the rear of such properties.

RELEVANT SITE HISTORY

FG/8/88/T	Fell one Hornbeam and one Mawcar Pine tree and lop two Hornbeam trees	ApproveConditionally 08-02-1988

REPRESENTATIONS

Representations received:

Ferring Parish Council

Comment. Ferring Parish Council would like all trees to be replaced when they require radical reduction or come to the end of their life and need to be felled and such replacements must stand the test of time. Could the trees not be pruned rather than removed completely?

Comments on Representations received:

Noted. The Council's arboriculturalist has no objection to the works and considers that felling is acceptable. Replacement trees are not considered necessary to request due to the discreet rear location of the trees which results in a limited visual contribution from public viewpoints. The Council's arboriculturalist does not insist on such measures and first recommends that the soil quality improves to encourage a favourable rooting environment in the future.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's arboriculturalist.
No objection.
The more upright and balanced of the two trees appears to be in terminal decline and doubt that any form of pruning would lead to a healthier looking tree. Pruning would require larger limbs to be removed and to be removed and as such would not be of benefit to the general public considering their small stature, hidden behind the propertyu. I would therefore consider the removal of both as acceptable. If the intention by the householder is to re-plant the tree owners should improve the soil to encourage a favourable rooting environment and preferably with a different tree species.

Comments on Consultation responses:

Comments noted.

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.

CONCLUSIONS

The two Hornbeam trees are situated to the rear of the property along the eastern boundary of the site. Due to this location, the trees are not considered prominent within the street scene with the tops just being visible above the bungalow of Number 10. The Council's arboriculturalist has commented that there is no objection to the felling of the two trees.

In the absence of any undue loss to the visual amenity of the street scene it is recommended that the application be approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

1 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.

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 amendd) 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.