

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** FG/88/12/T**LOCATION:** Oak Lawn
Greystoke Road
Ferring**PROPOSAL:** Lop & prune back to previous pruning points (approx 2m) 2 no. Holm Oak trees**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Holm Oak subject of the application.
BOUNDARY TREATMENT	Hedging and fencing to front boundary.
SITE CHARACTERISTICS	Detached residential properties.
CHARACTER OF LOCALITY	Residential, many mature trees within the locality add to the character of the area.

RELEVANT SITE HISTORY

FG/41/04/T	Application to lop, reduce size and maintain existing shape of 2 Holm Oak Trees	Approve Conditionally 28-04-2004
FG/138/06/T	Lopping and pruning back 2 Holm Oaks to previous pruning points	Approve Conditionally 20-12-2006

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 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.

Third party comments noted. Informative to be attached advising applicants of the relevant wildlife orders.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

COUNCILS ARBORIST:

Accept the proposal for crown reduction to the previous pollard points for the reasons raised at the time of my visit. The work should accord with conditions suggested.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations Applicable to site:
Tree Preservation Order -TPO/FG/9/70

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 trees are prominent features within the street scene and significantly contribute to public visual amenity. The works proposed would not detract from this amenity value nor their health, as

confirmed by the Councils Arborist. Subject to the conditions suggested by the Arborist, the works are recommended for approval.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 All branch removals must occur beyond the original knuckle points for both trees. There must be no cutting of live branches below these points.

Pruning wounds should not exceed 60mm in diameter.

All final pruning cuts must not be cut flush to the knuckle.

They must be cut cleanly and smooth, at right angles to the direction of the pollard branch and leaving 60mm slight stub protrusions from the knuckle points.

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 in accordance with policy GEN7 of the Arun District Local Plan.

- 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.