Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: **FG/104/12/TC**

LOCATION: 2 Home Farm Cottages
59 Ferringham Lane
Ferring

PROPOSAL: Fell 1 No Golden Locust and 1 No Lawson's Cypress Tree; reduction of 4m hedge by 1 metre and associated thinning within the Ferring Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 310 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Various trees subject of this application.
BOUNDARY TREATMENT	The site is enclosed by a combination of approximately 1.2 metre high closed board timber fencing and approximately 2 metre high hedging.
SITE CHARACTERISTICS	The site is occupied by a semi-detached dwelling which is a subdivision of Home Farm Cottage which is a Grade II Listed Building.The building is surrounded by small and medium height trees and shrubbery, partially obscuring it from view in the street.
CHARACTER OF LOCALITY	The site is located towards the south of the Ferring Conservation Area on a section of road which is valued for its narrow lane appearance and its plantings which are considered to produce an attractive feeling of enclosure. The Grade II Listed building is surrounded by low rise workshop buildings to the north, west and south with bungalow and chalet dwellings, well screened by trees, to the east.

RELEVANT SITE HISTORY

FG/93/09/TC	A partial and minimal raising of canopy and reduction in height to existing conifer within the Ferring Conservation Area.	No Objection 25-08-2009

REPRESENTATIONS

Representations received:
Awaited.

2 Letters of objection:
-Trees are preserved by the Conservation Area.
-Occupier must be fully aware that these trees have a preservation order on them and should not be felled except in the case of public safety.
-Removal will set a precedent for others to do the same, this takes the character away from Ferringham Lane.
-Planners need to watch future developments when making preservation orders.
-No felling unless dead or dangerous.

Comments on Representations received:

Comments on letter of objection:
Occupier appears to be aware of the relevant requirements for these trees as they have notified the Authority in the form of this current application. The trees are not the subject of a tree preservation order. This application is to advise the Authority of works to take place place to trees within a Conservation Area to which we can either object a serve a Tree Preservation order or make no objection and the works can proceed. The trees in this case are not significant features and do not contribute significantly to the street scene.

CONSULTATIONS

Conservation Officer
Council's Arboriculturist

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area
Within Conservation Area
Grade II Listed Building

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 Cypress tree is positioned in the rear south west corner of the site, its upper crown is visible from the street but it is not considered to have a visual prominence. The lower canopy of the tree is currently pushing against a timber shed in the rear garden of the site. The tree is not considered to hold any significant amenity value, therefore its removal would not detract from the Conservation Area. The Golden Locust tree is dead and the reduction of the hedging is also acceptable with a height of 3 metres maintained.

It is therefore recommended that no Tree Preservation Orders be made and the proposed works proceed as per the notification.

RECOMMENDATION

NO OBJECTION

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 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.