

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

REF NO: FG/10/19/TC

LOCATION: Yew Tree Cottage
11 Ferring Street
Ferring
BN12 5HL

PROPOSAL: Crown reduction of 1m to 1No. Elm tree and crown reduction of 1.5m to 1No. Ash tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located on the boundary of the site.
SITE CHARACTERISTICS	Dwelling with gardens surrounding the property.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

FG/9/19/TC	Various works to 1 No. Bay tree, 1 No. Yew tree, 2 No. Portugese Laurel and 1 No. Holly within the Ferring Conservation area.	No Objection 21-03-19
FG/44/04/TC	Topping of Evergreen Oaks within the Ferring Conservation Area	No Objection 07-05-04

Relevant history noted. Application FG/9/19/TC has also been submitted for various tree's on the site covered by the Conservation Area and not the Tree Preservation Order.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council: No response received from Ferring Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

Planning reference: FG/10/19/T

I visited Yew Tree Cottage, 11 Ferring Street, Ferring earlier today.

I have also undertaken a desktop review of the Tree Preservation Order (TPO/FG/9/70) which affects this plot. My understanding is that the elm and ash trees identified in this application are not listed in the schedule or shown on any map.

However, those trees do qualify for protection under the conservation area.

I am satisfied that the works proposed will not result in character of the surrounding area being diminished.

I raise No Objection to the works that have been applied for and see no reason to make a Tree Preservation Order in this instance.

Conservation Officer:

No comments - refer to Tree Officer.

COMMENTS ON CONSULTATION RESPONSES:

After inspection from the Tree Officer it was decided that the tree's subject to this application were covered by the Conservation Area and not the Tree Preservation Order. The application reference have therefore been altered to reflect that.

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

Following the comments from the Tree Officer it is recommended there be no objection to the proposed works.

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

Duty under the Equalities Act 2010

In assessing this proposal the following 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).

The proposal would have a neutral impact on the protected characteristics.

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 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.