

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

REF NO: FG/126/13/TC

LOCATION: The Beach Hut
3 Oaklands
Ferring

PROPOSAL: Cut 3 vertical branches at top by 2-3 metres to 1 No Silver Birch tree within the Ferring Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The Silver Birch tree is situated in the rear garden of the property.
TOPOGRAPHY	Predominantly flat
TREES	The tree that forms the subject of this application.
BOUNDARY TREATMENT	Open to front. The side and rear boundaries are marked by close boarded fencing at approximately 2m in height.
SITE CHARACTERISTICS	A two storey detached property with lower half elevations comprising smooth rendered elevations painted cream and with timber board cladding above. The roof is hipped with plain brown tiles. There is a PVCu conservatory to rear. There are two other trees that accompany the Silver Birch in the rear garden.
CHARACTER OF LOCALITY	Predominantly residential, the property is situated in a cul-de-sac where there are two storey semi-detached properties. There are few trees of note in the street scene, with the exception of the entrance to The Oaklands.

RELEVANT SITE HISTORY

FG/67/11/TC	Various tree surgery within the Ferring Conservation Area	No Objection 08-07-2011
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REPRESENTATIONS

Representations received:

Awaited.

Comments on Representations received:

None

CONSULTATIONS

Council's Arboriculturist
Conservation Officer

Consultations responses received:

Council's Arboriculturalist.

No objection.

I do not regard the proposed work to the Silver Birch tree within the garden of the property as significant to affect the overall public visual amenity and the tree at present is not worthy of a Tree Preservation Order.

Conservation Area Advisory Committee

No objection.

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

TREES

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

This application seeks to cut three vertical branches from the top of the tree by 2-3 metres.

The Silver Birch tree is located in the rear garden of the property. However, due to the orientation of the plot which has the road of The Oaklands running along one side, the tree is easily seen

from a number of public vantage points. Despite this prominence, the tree has a lop-sided crown which substantially reduces its public amenity value. Consequently, it is not regarded as having a significant impact on the character and appearance of the area and therefore does not warrant a Tree Preservation Order.

The applicant states that the proposed works would balance the crown and remove branches that are becoming dangerous to the property. This is considered to improve the visual contribution that the tree makes and in the absence of any objection on arboricultural grounds, the works are recommended to 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 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.