

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

REF NO: FG/143/18/TC

LOCATION: 1 Grange Close  
Ferring  
BN12 5LR

PROPOSAL: Fell 1 No. Holly, fell group of 6 No. Conifers (G1), fell 2 No. Holly trees & 1 No. Elder tree (G2), fell 1 No. Chinese Privett, 1 No. Sycamore tree & 1 No. Pittosporum (G3) within the Ferring Conservation Area.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | As above.                                                                                |
| TREES                      | The tree outlined in this application is located on the land at 1 Grange Close, Ferring. |
| SITE CHARACTERISTICS       | Dwelling.                                                                                |
| CHARACTER OF LOCALITY      | Residential.                                                                             |

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| <b>RELEVANT SITE HISTORY</b> |
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| FG/96/09/TC | Remove 1no Pear & apple tree & cut down 1no Blossom tree (Within the Ferring Conservation Area) | No Objection<br>12-10-09 |
|-------------|-------------------------------------------------------------------------------------------------|--------------------------|

No relevant planning history.

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Ferring Parish Council

Parish Council - Objection

- The trees make a major contribution to the distinctive environment and blend with similar stands in the immediate area. The removal would have a negative impact on the street scene.

Representations received from nearby occupiers:

1 Letter of Support

- The letter supports only the removal of the conifer trees. These trees are unduly dominantly and overshadow Home Farm Cottage.

9 Letters of Objection

- The trees act as a screen across the property.

- The trees are mature, and their beauty and magnificence enhance the village.

- The reasons for the felling of the trees are irrelevant.
- The trees are of a good quality and provide a positive outlook from the road.
- Many trees in Ferring have been felled since 1950, trees are important in maintaining a healthy environment, especially in regard to the increased road traffic in the area.
- Ferring should retain a village atmosphere.
- The felling of the trees will change the outlook for walkers and neighbours.
- The proposed replacements do not seem viable, resultant of their size and growth rate.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

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| <b>CONSULTATIONS</b> |
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Arboriculturist

**CONSULTATION RESPONSES RECEIVED:**

Tree Officer -

Application ref: FG/143/18/TC

Location: 1 Grange Close, Ferring, BN12 5LR

Works proposed: Fell 1 No. Holly, fell group of 6 No. Conifers (G1), fell 2 No. Holly trees & 1 No. Elder tree (G2), fell 1 No. Chinese Privet, 1 No. Sycamore tree & 1 No. Pittosporum (G3) within the Ferring Conservation Area

I visited this location on September 4th 2018, to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

Collectively these trees provide some visual amenity although none are of sufficient individual or group merit to qualify them for inclusion in a Tree Preservation Order. Many of these trees while appearing healthy are suppressed or have individually moderate/poor form.

It is perhaps unfortunate that by permitting the wholesale removal of these trees in one phase of work, this could temporarily detract from the character of the surrounding area; partially defined by established tree cover. That said, many of these trees are not long-term propositions and in the case of the cypress have achieved their intended useful life expectancy.

I am encouraged by the applicant's intention to plant two superior native trees by way of compensation.

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.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted, concerns are addressed by the Arboriculturalist's response.

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| <b>POLICY CONTEXT</b> |
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Private Street

Conservation Area  
Tree Preservation Order

## DEVELOPMENT PLAN POLICES

### PLANNING POLICY GUIDANCE:

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|------|-------------------------------------|
| 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 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

Following the comments of the tree officer it is recommended that no objection be raised.

### 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**

In assessing this proposal neutral 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).

**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.