

**NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT****REF NO:** FG/19/10/TC**LOCATION:** 10 Ferring Street  
Ferring**PROPOSAL:** Reduce height and spread to 1 No. Chestnut tree and reduce height to 1 No. Fir tree (within the Ferring Conservation Area)**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                                                                       |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above.                                                                                                                                                                                             |
| SITE AREA                   | N/A                                                                                                                                                                                                   |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                                                                   |
| TOPOGRAPHY                  | Predominantly flat                                                                                                                                                                                    |
| TREES                       | The trees subject of the application, mature tree's on the boundary of the site and close proximity to the site.                                                                                      |
| BOUNDARY TREATMENT          | Close board wooden fencing to the eastern boundary approximately 1.8m high and hedging and tree's approximately 4m high. The rear and sides of the garden are enclosed with 1.8m high wooden fencing. |
| SITE CHARACTERISTICS        | No.10 Ferring Street is a 2 storey detached property with front and rear dormers. Large porch to the front of the property.                                                                           |
| CHARACTER OF LOCALITY       | The site is located within the Ferring Conservation Area. Various types and styles of detached properties within close proximity. Predominantly detached bungalows within Glen Gardens.               |

**RELEVANT SITE HISTORY**

|             |                                                                                                         |                            |
|-------------|---------------------------------------------------------------------------------------------------------|----------------------------|
| FG/28/01/TC | Works to Conifer trees within the Ferring Conservation Area                                             | No Objection<br>19-04-2001 |
| FG/3/03/TC  | Works to one Willow tree within the Ferring Conservation area.                                          | No Objection<br>14-02-2003 |
| FG/9/04/TC  | Application to Lop Bay Tree overhanging garden of 2 Glen Gardens (Within the Ferring Conservation Area) | No Objection<br>27-02-2004 |

|              |                                                                                                                     |                            |
|--------------|---------------------------------------------------------------------------------------------------------------------|----------------------------|
| FG/15/07/TC  | Pruning of Bay tree on the boundary of 2 Glen Gardens within the Ferring Conservation Area.                         | No Objection<br>15-03-2007 |
| FG/176/07/TC | Pruning of bay tree and overhanging foliage on the boundary of 2 Glen Gardens within the Ferring Conservation Area. | No Objection<br>30-11-2007 |
| FG/28/09/TC  | Pruning of Bay tree on the boundary of 2 Glen Gardens within the Ferring Conservation Area.                         | No Objection<br>16-04-2009 |
| FG/20/10/TC  | Pruning of Bay tree on the boundary of 2 Glen Gardens within the Ferring Conservation Area.                         | No Objection<br>19-03-2010 |

## REPRESENTATIONS

### Representations received:

Awaited.

### Comments on Representations received:

None.

## CONSULTATIONS

Horticulturist

Conservation Area Advisory Com

### Consultations responses received:

Council's Arborist: The Conifer tree is of poor quality and the Chestnut tree is multi-stemmed and overgrown in the area in which it is sited.

### Comments on Consultation responses:

Comments noted.

## POLICY CONTEXT

Designation applicable to site:  
Within the built-up area boundary  
Conservation Area

## DEVELOPMENT PLAN POLICIES

South East Plan:

|                           |                                                                       |                                                                             |
|---------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------|
| Arun District Local Plan: | <a href="#">GEN2</a><br><a href="#">GEN7</a><br><a href="#">AREA2</a> | Built-up Area Boundary<br>The Form of New Development<br>Conservation Areas |
|---------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------|

## PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

## 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 trees are located within the front garden of No.10 Ferring Street adjacent to the driveway. The Chestnut tree and Fir tree overhang the existing driveway and front garden.

The trees are viewed within the street scene, and although they contribute to the public visual amenity, given their protection within the Ferring Conservation Area it is considered that the trees not be made the subject of a Tree Preservation Order as they do not significantly contribute to public visual amenity.

It is therefore recommended that no Tree Preservation Order be made and no objection be raised to the proposed tree works.

#### **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.