

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

REF NO: FG/19/12/TC

LOCATION: Church Cottage
Church Lane
Ferring

PROPOSAL: Fell 4no. Conifer trees, fell 1no. Ash tree & various tree surgery 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.
BOUNDARY TREATMENT	Flint walling to front boundary.
SITE CHARACTERISTICS	Detached Grade II Listed Building.
CHARACTER OF LOCALITY	Residential part of the Ferring Conservation Area.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Awaited.

2 Letter of support:

- Trees are of no significant importance and the additional light that will be afforded by their removal should enhance several gardens in the Conservation Area.

3 Letter of objection:

- No felling unless dead or dangerous.
- Ash tree is prominent and visible for some distance all around the property.
- Allowing felling will set a precedent for similar works.
- Mature trees enhance views of Ferring from Highdown.
- Trees do not unduly shade the garden and house.
- Ash tree is a native species and is nowadays a rare tree.
- No detailed justification for the works.
- Not able to judge the quality of the trees because they are behind the cottage.

Comments on Representations received:

It must be noted that this application is a notification of works to trees within the Conservation

Area and as such no detailed justification is required. It is for this Authority to consider at this stage whether or not the appearance of the locality would be harmed from the proposed works and if so whether or not the tree would be worthy of a preservation. In this case for the reasons given below it is not considered that the trees are worthy of a preservation order.

CONSULTATIONS

Council's Arboriculturalist
Conservation Area Advisory Com

Consultations responses received:

Conservation Area Advisory Committee:
No comment.

Tree Officer:

The Evergreen Oak has good amenity and a 25% crown reduction would not destroy the tree but would be considered acceptable due to its close proximity to the property. The mature Ash located behind this tree has been pruned harshly in previous years and is misshapen. Its loss would not be detrimental to the visual amenity of the area. The conifer trees are small and barely visible. The works are therefore acceptable.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Conservation Area
Grade II Listed Building
Built-up area boundary

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

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

TREES CA

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. organisations such as schools.

CONCLUSIONS

The only trees subject of this notification which are prominent within the street scene are the two Holm Oak trees and the Ash tree. The others given their appearance and siting are not readily visible or prominent within the street scene.

The Ash tree has been subject to some pruning in the past and has become misshapen. The Oak trees are however prominent and add to public visual amenity. Nevertheless, it is not considered that the works proposed would detract from this and the continued protection of the Conservation Area remains sufficient at this time.

It is therefore recommended that no objection be raised, or tree preservation order be made and the works should 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.