

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** FG/26/12/TC**LOCATION:** 3 Regency Court
Ferring Street
Ferring**PROPOSAL:** Pollard 1 no. Sycamore tree back to previous pollard points & cut off dead stubs
(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 wall on front boundary approximately 1.2m high.
SITE CHARACTERISTICS	2 storey blocks of flats. Red brick elevations, hipped red tiled roof.
CHARACTER OF LOCALITY	The site is within the Ferring Conservation Area, mix of different types and styles of properties within close proximity.

RELEVANT SITE HISTORY

FG/119/94/T	Reduce and reshape by approx one third 1 mature Sycamore tree	Approve Conditionaly 04-01-1995
FG/1/95/TC	Lopping of 1 Sycamore tree	No Objection 17-02-1995
FG/12/95/T	Reduce and reshape by approx one third 2 mature Sycamore trees	Approve Conditionaly 24-03-1995
FG/120/07/TC	Pollard Sycamore tree within the Ferring conservation area.	No Objection 28-08-2007
FG/114/09/TC	Re-pollard back to previous pollard points 2 no. Scyamore tree at entrance to property within the Ferring Conservation Area	No Objection 04-11-2009
FG/120/09/T	Re-pollard back to previous pollard points 1no. Scyamore tree at entrance to property	Refused 04-11-2009

REPRESENTATIONS

Representations received:

Ferring Parish Council

Objects to the amount of pruning as it is considered excessive. The tree has been similarly pruned before not to such an extent. We have no problem with deadwood being removed.

Comments on Representations received:

Comments noted. Given that the current proposal suggests removal of sections of the tree back to previous pollard points, the works would not exceed those previously carried out. Therefore the above comments are not agreed. Nevertheless, it is for the planning authority to only consider whether or not the tree is worthy of a Tree Preservation. In this case the tree being sited to the rear of the properties within Regency Court means that it is not a significant feature in the street scene and does not significantly contribute to public visual amenity. As such it is not worthy of a preservation order.

CONSULTATIONS

Council's Arboriculturalist

Conservation Area Advisory Com

Consultations responses received:

Conservation Area Advisory Committee:

No comment

Council's Arborist:

The Sycamore tree is located close to the Regency Court flats. There is a pruning history where the tree has undergone two differentiating pollard heights at 3m and 5.5m. Reducing the tree to the most recent pollard points as suggested by the tree surgeon at 5.5m where the pruning has resulted in the formation of 'knuckles' is acceptable. It is recommended that the pruning should not exceed these points to minimise the wound sizes.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built-up Area Boundary

Conservation Area

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

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 Sycamore tree subject of this notification is located to the rear of Regency Court. There are many trees within the vicinity, some of which are covered by Tree Preservation Orders. It is considered that the trees together significantly contribute to the public visual amenity, however individually the Sycamore tree does not significantly contribute to the public visual amenity.

It is therefore recommended that no 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.