

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

REF NO: FG/4/18/TC

LOCATION: Barberry Lodge
17 Ferring Street
Ferring
BN12 5HL

PROPOSAL: Fell 1No. Golden Lawson & surgery to various trees within Ferring Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are situated in both the front and rear garden
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

FG/43/16/TC	Various surgery to various trees within the Ferring Conservation Area	No Objection 22-04-16
FG/35/13/TC	Fell 1no Conifer, Leylandi, Ash & Sycamore tree & 2 no. Lawson Conifer tree together with surgery to various trees - Within the Ferring Conservation Area	No Objection 03-05-13
FG/201/07/TC	Fell two semi mature Lawson Conifer trees within the Ferring Conservation Area.	No Objection 11-01-08
FG/147/04/TC	Surgery to various trees in front and rear garden (within the Ferring Conservation Area).	No Objection 26-11-04

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council provided no response.
 No representation from nearby occupiers.
 Conservation Area Advisory Committee provided no response.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

- T1 Lime - the removal of dead branches is an exception and does not require prior notification to the authority,
- T2 Ash- Early- mature garden perimeter tree that overhangs public highway. Heavily pruned on its east aspect resulting in an asymmetric crown profile. Appears to be under physiological stress. Moderate to weak shoot extension. Visible from public highway and adjacent properties but of relatively low value due to moderate form and general condition.
- T3 Leyland Cypress- Early mature and subject to past height reduction (topping) work. Poor form and visible only from neighbouring property.
- T4 Silver Birch- Mature and with good form. A fine example of its type and visible from neighbouring properties.
- T5 Holm Oak- Semi mature and subject to regular crown trimming (containment pruning). In close proximity to dwelling. Discreet and visible only from neighbouring property and with difficulty.
- T6 Mixed evergreens- Early mature garden boundary trees, visible only from neighbouring property. Slight inhibiting influence on adjacent specimen trees.
- T7 Lawson Cypress- Early mature, multi stemmed ornamental cultivar in close proximity to dwelling and becoming oppressive. Poorly sited and visible only from neighbouring property.

Conclusions

The majority of work proposed can be justified as reasonable management. With the exception of T4 none of these are individually worthy of an Order (TPO).
 With the exception of T2 the trees identified for work are discreetly located within a large garden given over to a good density of tree cover. There are other trees within the garden and more locally that provide greater amenity value due to their stature, prominence and more sympathetic pruning history so the overall character of the immediate area will not be unduly diminished by undertaking this work.

Recommendations

I raise no objection to the works that have been applied for and see no reason to make a TPO in this instance.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Conservation Area

DEVELOPMENT PLAN POLICES

PLANNING POLICY GUIDANCE:

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 comments from the tree officer, it is recommended there be no objection to the works proposed.

HUMAN RIGHTS ACT**FOR APPROVAL****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

Duty under the Equalities Act 2010

In assessing this proposal the following 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).

The proposal would have a neutral impact on the protected characteristics.

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.