

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: FG/67/11/TC

LOCATION: 3 Oaklands
Ferring Street
Ferring

PROPOSAL: 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	There are a number of mature birch trees alongside the southern boundary of the site.
BOUNDARY TREATMENT	Trees and hedging mark the southern boundary of the site.
SITE CHARACTERISTICS	The site is occupied by a recently built detached two-storey dwelling.
CHARACTER OF LOCALITY	The site is located within Ferring Conservation Area which is noted for its narrow roads and flint boundary walls and buildings. It also benefits from a well planted appearance, with a number of mature trees and hedging bordering the roads and marking property boundaries.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Ferring parish Council: None.

One letter of objection from West Sussex Wildlife Protection: No tree surgery due to nesting birds.

Comments on Representations received:

Noted. An informative will be attached to any given approval which will make the applicant aware of their duty to protect nesting birds, as set out in the 1981 Wildlife & Countryside Act.

CONSULTATIONS

Council's Arboriculturalist
Conservation Officer
Conservation Area Advisory Com

Consultations responses received:

COUNCIL'S ARBORICULTURALIST: I have inspected the site and trees and understand the requirement of the applicant to cut trees back for light. However if cut too harshly this may produce large wounds exceeding 150mm in diameter and could lead to complications, resulting in cavity formations upon main branches/stems. Wound sizes therefore must be kept to a minimum to avoid fracture of branches in the future. This needs to be explained within an 'Informative' and would urge the applicant to carry out all pruning in accordance with BS3998 (2010) and avoid the removal of large branches but have them reduced appropriately.

CONSERVATION AREA ADVISORY COMMITTEE: No objection.

Comments on Consultation responses:

Noted. The applicant will be made aware of the matters raised in the conclusions of this report.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Within Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

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 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

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 birch trees that are subject of the application are not visually prominent and, although it is noted that a well landscaped appearance is one of the defining characteristics of the Conservation Area, it is not considered that these trees provide a material contribution towards this characteristic due to their positioning towards the rear of the site, where they are screened from

view by buildings and landscaping that are closer to the road.

It is therefore considered that the birch trees are not worthy of Tree Preservation Order status and that no objections should be raised towards the proposed works. It is recommended that these works are carried out to the standards contained within BS 3998:2010 Tree Work - Recommendations.

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.