

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** FG/78/12/TC**LOCATION:** 1 Regency Court
Ferring Street
Ferring**PROPOSAL:** Re-pollard back to previous pollard points 1no. Sycamore tree at entrance of property 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/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. Sycamore 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. Sycamore tree at entrance to property	Refused 04-11-2009
FG/26/12/TC	Pollard 1 no. Sycamore tree back to previous pollard points & cut off dead stubs (within the Ferring Conservation Area)	No Objection 25-04-2012
FG/57/12/T	Re-pollard back to previous pollard points 1no. Sycamore tree at entrance of property	Approve Conditionally 06-07-2012

REPRESENTATIONS

Representations received:

Ferring Parish Council

Ferring Parish Council (FPC) would like to see that all trees are replaced when they come to the end of their life. There is no objection to reasonable pruning but FPC would be grateful if Arun District Council could add this condition to all Planning Application approvals which involve trees.

1 letter of objection: No surgery due to nesting birds.

Comments on Representations received:

Comments on Parish Response:

The application does not seek permission for the tree to be removed, nor is it at the end of its life. Any works to remove the tree will be the subject of a further notification at which point we may consider that a Tree Preservation Order is required. In addition to this, there is no legislative requirements for a replacement tree when it is felled under a Conservation Area notification.

Comments on letter of objection:

Comments noted. An informative is attached to the decision advising the applicants of the requirements of the relevant wildlife acts, to ensure nesting birds are not affected.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Council's Arborist:

The Sycamore tree is healthy and has good amenity. It clearly shows the pollard points which have been created successfully from the primary branch structure. Re-growths from the pollard points have extended and cause some light loss to the nearby property. It would be appropriate to reduce the crown however due to the nature of this pollarded tree it would be difficult to achieve a decent shape without those slender re-growths becoming stubby, lacking side branches and looking rather odd. In this instance the application to re-pollard the Sycamore is acceptable.

Conservation Area Advisory Committee: No comment.

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 on the front boundary of Regency Court, to the south side of the vehicle access to the site. 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 in this instance the works to the Sycamore tree would not significantly detract from its 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 amendd) 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.