

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: FG/85/11/TC

LOCATION: Maytree Cottage
1 Church Lane
Ferring

PROPOSAL: Removal of 1no. dead Hawthorn tree, 1no. dead Silver Birch tree & 1no. Wild Plum tree (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 mixture of small and medium sized trees at the site, primarily located towards site boundaries. None of these trees are the subject of Tree Preservation Orders.
BOUNDARY TREATMENT	There is an approximately 1 metre high flint wall alongside the road.
SITE CHARACTERISTICS	The site is occupied by a two-storey semi-detached Grade II Listed dwelling.
CHARACTER OF LOCALITY	The site is located within Ferring Conservation area which is noted for its narrow roads, historic buildings, flint walling and mature landscaping.

RELEVANT SITE HISTORY

FG/162/89/TC	Prune and trim two Evergreen Oak/Ilex trees within the Ferring Conservation Area	No Objection 02-01-1990
FG/118/94/TC	Crown lift 2 Evergreen Oak trees within the Ferring Conservation Area	No Objection 04-01-1995
FG/15/00/TC	Pollard 1 Holm Oak tree and remove 1 Holm Oak tree within the Ferring Conservation Area.	No Objection 06-04-2000
FG/74/00/TC	Removal of 9.144m (30ft) Holm (Ilex) Oak tree within the Ferring Conservation Area.	No Objection 06-09-2000
FG/3/05/TC	Topping of 1 no. Silver Birch by 30% Within the Ferring Conservation Area.	No Objection 17-02-2005

REPRESENTATIONS

Representations received:

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

Comments on Representations received:

Noted. Informatives will be attached to any given approval to make the applicant aware of their duty to protect nesting birds as well as other requirements set out in the 1981 Wildlife and Countryside Act.

CONSULTATIONS

Council's Arboriculturalist

Conservation Area Advisory Com

Consultations responses received:

COUNCIL'S ARBORICULTURALIST: All three trees are dead, the cause unknown. Their removal and investigation as to cause should be undertaken.

CONSERVATION AREA ADVISORY COMMITTEE: No objection.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Within Conservation Area

Grade II Listed Building

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 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 trees that are subject of this application appear to have died and, as such, are not generating any positive contribution towards the valued character and appearance of the Conservation Area.

It is noted that one of the key characteristics of the Conservation Area has been identified as being its well planted appearance, It is considered that the large number of trees that will remain on the site and its neighbouring sites will mitigate the loss of these relatively small trees and the the well planted element of the Conservation Area will be preserved.

It is therefore considered that none of the trees that are subject of this application are worthy of Tree Preservation Order status and no objections should be raised against the proposed works.

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.