

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT**REF NO:** AB/115/11/TC**LOCATION:** 61 Tarrant Street
Arundel**PROPOSAL:** Fell 1 No Silver Birch tree within the Arundel Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree subject of the application.
BOUNDARY TREATMENT	Brick wall and trellis enclosing the rear garden of the site, approximately 1.8m high.
SITE CHARACTERISTICS	3 storey terraced property. Painted brick elevations, hipped slat roof, 2 flat roof dormers. Property fronts the street.
CHARACTER OF LOCALITY	The site is located within the Arundel Conservation Area. Mix of different types and styles of detached properties.

RELEVANT SITE HISTORY

AB/18/05/TC	Application to lop 1 Silver Birch tree by 20/35% (Within the Arundel Conservation Area)	No Objection 21-03-2005
AB/78/09/TC	Thin crown by 25% to one Silver Birch tree in rear garden within the Arundel Conservation Area	No Objection 21-08-2009

REPRESENTATIONS**Representations received:**

Arundel Town Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturalist
Conservation Officer
Conservation Area Advisory Com

Consultations responses received:

Conservation Area Advisory Committee:
No comment.

Councils Arborist:

I inspected the site today (20/12/11) and just about managed to see the tree from a distance via River Road at a distance of 65m. The Birch tree would not be noticed by the general public if it was removed/reduced.

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:

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 or legislative background.

CONCLUSIONS

The proposed application seeks permission to fell one Silver Birch tree which is located within the

Arundel Conservation Area. The tree is located within the rear garden of 61 Tarrant Street overhanging adjoining boundaries.

The Silver Birch tree cannot be readily viewed from the public highways surrounding the site as the existing properties screen the tree from any public vantage points, therefore it does not significantly contribute to the public visual amenity of the surrounding area. Circular 36/78: Trees and Forests requires that the tree has to have significant public visual amenity to warrant being made the subject of a Tree Preservation Order. In this case the tree does not meet the tests of the legislation and should not be made the subject of an Order.

It is therefore recommended that no Tree Preservation Order be made and the proposed works to fell the tree 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.