

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

REF NO: AB/82/14/TC

LOCATION: 1 Tower House Gardens
Arundel

PROPOSAL: Fell 1 No Sycamore tree within the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree that forms the subject of this application.
BOUNDARY TREATMENT	Approximately 1.2m high brick wall and 1m high metal railing to the front of the site.
SITE CHARACTERISTICS	The site comprises a detached dwelling with a tree line to the front.
CHARACTER OF LOCALITY	Situated within a cul-de-sac, there are detached two storey properties and three storey flats in the vicinity.

RELEVANT SITE HISTORY

AB/95/99/TC	Remove 1 Holm Oak tree down to ground level within the Arundel Conservation Area.	No Objection 27-09-1999
AB/15/14/TC	Crown reduce 6 No. Yew Trees by 1.5m-2m and Crown reduce 1 No. Sycamore Tree by 2.5m within the Arundel Conservation Area.	No Objection 04-04-2014

REPRESENTATIONS

Representations received:

Arundel Town Council
No objection.

Conservation Area Advisory Committee
No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Council's arboriculturalist

No objection.

The Sycamore is not visible from the main highway, although it is visible from a shared residential parking area. Although well managed, this tree a limited impact on the landscape and could have an adverse effect on the neighbours. I therefore approve the felling of this Sycamore as the growth habit will mean it is likely to have an adverse effect on the slower growing Yew trees.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

TREES

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

This application provides notification for the felling of 1No. Sycamore tree. The tree is situated to the front of the property and within an established tree line which has received recent approval under AB/15/14/TC to crown reduce 6No. Yew trees.

The Sycamore tree is situated down the end of a cul-de-sac where it does not offer significant

visual amenity value. The Council's arboriculturalist has no objection to its felling stating that although it appears well managed, it has a limited impact on the landscape and could have an adverse effect on the neighbours. Its felling is therefore supported as its growth habit will mean it is likely to have an adverse effect on the slower growing Yew trees.

It is therefore recommended that the works may 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.