

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

REF NO: AB/9/14/TC

LOCATION: Garden R/O 6 Bakers Arms Hill
Arundel

PROPOSAL: Surgery to various trees within the Arundel Conservation area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Land slopes significantly downhill towards Tarrant Street to the south.
TREES	The trees that form the subject of this application.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The property of No. 6 is a two storey cottage with flint and brick elevations and a slate roof. The garden containing the trees in question is situated to the rear.
CHARACTER OF LOCALITY	Predominantly residential in character, the site is located in the centre of Arundel town where surrounding properties are mainly historic in appearance.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Awaited.

Three letters of objection.

-The Cherry tree provides much pleasure in spring time and it would be a travesty to hack branches off of it.

-The cutting back of old (listed) trees within the garden will compromise the home of many animals and birds and this green area will be no more.

Comments on Representations received:

Noted. The trees cannot be listed as this designation only applies to buildings. The proposed works are considered acceptable according to the Council's arboriculturalist.

CONSULTATIONS

Council's Arboriculturalist

Conservation Officer

Consultations responses received:

Council's arboriculturalist

No objection.

Conservation Area Advisory Committee

No objection.

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 forms notification for pruning works to three trees in the rear garden of the property. The garden is secluded and so the trees cannot be readily seen from any public vantage point. The trees in question comprise a Flowering Cherry and a Ceanothus and Bay Laurel. The works are for the removal of overhanging branches in respect to the boundary wall.

These trees are not considered worthy of a Tree Preservation Order by virtue of their limited contribution to the visual amenities of the area. The Council's arboriculturalist has raised no objection to these works.

It is therefore recommended that no objection be raised and 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.