

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: AL/59/11/TC

LOCATION: New House Farm
Norton Lane
Norton

PROPOSAL: Removal of 1 dead tree, 1 Conifer tree and 1 Bay tree in rear garden within the Norton Lane, Norton 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 the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	Front has wall with hedging behind approximately 1.8m in height, sides and rear hedging/tree screening.
SITE CHARACTERISTICS	Detached dwelling with detached double garage on side. The property has red brickwork on lower level, red tile hanging on upper level, mixture of brown and white window frames.
CHARACTER OF LOCALITY	Rural lane comprising detached properties on large plots of various styles and designs.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council
Awaited

1 Letter of Objection from the West Sussex Wildlife Protection Group
No felling due to nesting birds.

Comments on Representations received:

Letter of Objection noted
An informative will be added regarding the Wildlife and Countryside Act regarding nesting birds.

CONSULTATIONS

Conservation Area Advisory Com
Council's Arboriculturalist

Consultations responses received:

Conservation Area Advisory Committee
Awaited

Council's Arboriculturalist

The trees do not warrant a Tree Preservation Order as they cannot be seen from the highway and one which is dead and the other two are beyond recovery.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary
Within the Norton House Conservation Area
Class C Road
Area of Special Control for Advertisements
No Public Sewer
PDR Restriction on AL/7/05

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.

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

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 notification seeks to fell one dead tree, one Bay tree and one Conifer tree that are sited in the rear garden of the property. The trees are not readily visible from the front of the site and of no visual amenity value.

The dead tree which has lost its top branches is sited behind the garage. The Bay tree has reached its mature size and in view of its position has started to grow under the foundations to the oil tank. The conifer tree is sited within a confined area adjacent to various trees and does little to enhance the garden.

The Council's Arboriculturist has been consulted and has raised no objection to the removal of the trees as they are of no significance and not worthy of a Tree Preservation Order.

It is therefore recommended to raise no objection.

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.