

**TREE WORKS CONSENT REPORT****REF NO:**      **AW/179/09/T****LOCATION:**    Tithe Barn Cottage  
                 1 Tithe Barn Way  
                 Bognor Regis**PROPOSAL:**   Prune three Silver Birch trees back to previous pruning points**SITE AND SURROUNDINGS**

|                             |                                                                                                                                  |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above                                                                                                                         |
| SITE AREA                   | N/A                                                                                                                              |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                              |
| TOPOGRAPHY                  | Predominantly flat                                                                                                               |
| TREES                       | None of any significance affected by the proposed development.                                                                   |
| BOUNDARY TREATMENT          | Close boarded fencing and substantial trees and hedging.                                                                         |
| SITE CHARACTERISTICS        | The site is a two storey detached dwelling with white rendered and dark timber stained cladded elevations. The roof is thatched. |
| CHARACTER OF LOCALITY       | The site is located on a private residential road of properties of a similar style.                                              |

**RELEVANT SITE HISTORY**

|             |                                                                                                      |                            |
|-------------|------------------------------------------------------------------------------------------------------|----------------------------|
| AW/88/92/T  | Three Silver Birch to be topped and reshaped                                                         | Approve Cond<br>15-07-1992 |
| AW/54/95/TC | Reduce height by approx 4.5m (15 feet) one Lawsoniana hedge within the Aldwick Bay Conservation Area | No Objection<br>25-05-1995 |
| AW/191/99/T | Reduce height by 30% three Silver Birch trees                                                        | Approve Cond<br>11-01-2000 |
| AW/181/03/T | Top and shape three Silver Birch trees                                                               | Approve Cond<br>10-09-2003 |
| AW/11/07/T  | Topping and reshaping of 3 no Silver Birch Trees.                                                    | Approve Cond<br>23-02-2007 |

BR/69/57/B

Outline 22 2 & 3 bed flats

Approve Cond

17-07-1961

## REPRESENTATIONS

### Representations received:

Aldwick Parish Council

No Objection

### Comments on Representations received:

Noted

## CONSULTATIONS

Horticulturist

Conservation Area Advisory Com

### Consultations responses received:

Conservation Area Advisory Committee:

No Comment

District Arboriculturist:

The application is for regular maintenance to keep the trees in a pruned form. This work will not harm them and in fact has been carried out on a regular basis over some years.

I have no reason to object to the application.

### Comments on Consultation responses:

Comments noted

## POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area

Tree Preservation Order

Within the Aldwick Bay Conservation Area

## DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[GEN28](#)

[AREA2](#)

Built-up Area Boundary

The Form of New Development

Trees and Woodlands

Conservation Areas

## PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

## SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

## POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

## **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 seeks to perform surgery to three no. Silver Birch trees at Tithe Barn Cottage. The proposed works would involve the pruning of the trees back to previous cutting points.

The trees are located in the rear garden of the site, and whilst not readily visible from the street scene, they are deemed to be of intrinsic beauty, contributing to the vegetated appearance of the Conservation Area. As such the trees are considered to be of amenity value, and any works performed should be done so for the maintenance of the health and appearance of the tree.

The District Arboriculturist has been consulted and has advised that there is no reason to object to the proposed works, which are for the purpose of the continued maintenance of the trees.

It is therefore recommended that the application be approved, subject to the following conditions:

## **RECOMMENDATION**

### **APPROVE CONDITIONALLY**

- 1 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The surgery to the three no. Silver Birch trees hereby permitted shall only involve the

pruning of the trees back to previous pruning points.

Reason: In order to protect the health and appearance of the trees in the interests of the visual amenities of the locality, in accordance with policies GEN7 and GEN28 of the Arun District Local Plan.

- 4      **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.
  
- 5      **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.