

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

REF NO: BE/61/15/TC

LOCATION: 119 North Bersted Street
Bersted

PROPOSAL: Fell 2No. Leylandii in front garden within the Bersted Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	418.3m2
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat
TREES	Two mature Leylandii subject of this application.
BOUNDARY TREATMENT	1.2m brick wall and trees
SITE CHARACTERISTICS	Two storey traditional detached house, front garden with driveway and rear garden.
CHARACTER OF LOCALITY	Historic, traditional residential road, part of Bersted Conservation Area. Area formed mainly of detached houses with mature trees in front gardens.

RELEVANT SITE HISTORY

BE/37/03/TC	Fell one Sycamore tree (Within the Bersted Conservation area)	PP Not Required 07-07-2003
BE/5/07/TC	Surgery to Leylandii trees within the North Bersted Conservation Area.	No Objection 23-02-2007
BE/170/85	New access and hardstanding	ApproveConditionally 07-04-1986

Surgery previously allowed to both trees may have resulted in some part for their poor condition now.

REPRESENTATIONS

Representations received:

No response.

Comments on Representations received:

N/A

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Conservation Area Committee-

No comment.

ARBORICULTURIST

Comments:

- The trees cited in this application are located in the front garden of 119 North Bersted Street, Bersted. This does mean both cited trees are highly visible from the highway North Bersted street outside.
- The surrounding landscape is mainly stocked with small to medium sized individuals of differing species.
- The trees highlighted in this application are not subject to active TPO order/s, however both trees lie in conservation area.
- From the site inspection it is clear that T1 and T2 have a poor form and are in poor condition. This is due in part that both trees have not had ongoing pruning works. It is also clear that attempts to retain T1 and T2 by lateral and vertical reductions, is likely to leave T1 and T2 in an unpleasing atheistical state.

Recommendation:

- I would have no objection to the proposed felling operations of T1 and T2, due to the atheistical value and the retention spans offered by T1 and T2 do not warrant TPO orders.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Constraints:-

Adopted Local Plan

Class C Road

Conservation Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, 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

The trees subject of this application have been inspected by the Council's Tree Officer who has stated that whilst the trees are visible from the public highway, they are in poor condition. Owing to this they are not suitable for TPO orders and he has no objection to the felling of both of them.

Therefore, in accordance with the comments of the Council's Tree Officer it is recommended that no objection is raised in relation to the proposed felling of these trees.

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.