

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

REF NO: BN/100/21/TC

LOCATION: Barnham Court Lodge
Church Lane
Barnham
West Sussex
PO22 0BP

PROPOSAL: Various works to various trees within the Church Lane, Barnham Conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at Barnham Court Lodge, Church Lane, Barnham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BN/76/19/HH	Installation of air source heat pump.	ApproveConditionally 01-11-19
BN/77/19/L	Installation of air source heat pump.	ApproveConditionally 30-10-19
BN/33/17/DOC	Application for approval of matters reserved by condition imposed under BN/29/15/PL relating to conditions 11- management plan for annual growth of wildflowers & development of scrubs & 13-landscape scheme.	DOC Approved 19-12-17
BN/30/17/TC	Reduce canopy of 1 No. Willow tree by 2.5-3.5m within the Church Lane, Barnham Conservation Area.	No Objection 12-10-17
BN/16/16/TC	Fell 1 No. Ash tree within the Church Road, Barnham Conservation Area.	No Objection 25-04-16

BN/47/15/TC	Fell 2 No. self sown Ash trees within the Church Lane Barnham Conservation Area	No Objection 08-12-15
BN/53/14/DOC	Application for approval of matters reserved by condition imposed under BN/35/14/L relating to conditions 3 & 4 for construction material details of window & schedule of materials & sample panels of external finishes.	DOC Approved 26-02-15
BN/34/14/HH	Rear single storey garden room extension. This application affects the character and appearance of Barnham (Church Lane) Conservation Area	ApproveConditionally 11-11-14
BN/35/14/L	Application for listed building consent for the construction of rear single storey garden room extension.	ApproveConditionally 12-11-14
BN/26/13/	Conversion of garden store area of adjacent detached garage building into a home office. This application affects the character and appearance of Church Lane Barnham Conservation Area	ApproveConditionally 11-11-13
BN/29/10/	Installation of solar photovoltaic panels on south facing roof of garage.	ApproveConditionally 30-11-10
BN/2/09/TC	Fell two Fir trees within the Barnham Conservation Area.	Objection 10-03-09
BN/7/08/L	Application for Listed Building Consent for the enclosure of existing covered area to form entrance porch.	ApproveConditionally 24-04-08
BN/36/07/	Replacement & additional windows to north elevation. Additional window to west elevation.	Return App - not req 04-10-07
BN/37/07/L	Application for Listed Building Consent for replacement and additional windows to north elevation. Additional window to the west elevation.	ApproveConditionally 26-11-07

BN/32/05/	Additional dormer window on south elevation - amendment to previously approved application BN/54/04	ApproveConditionally 11-01-06
BN/33/05/L	Application for Listed Building Consent for additional dormer window on south elevation - amendments to previously approved application BN/55/04/L	ApproveConditionally 11-01-06
BN/21/05/	Additional dormer window on west elevation (Re-submission following BN/54/04)	Withdrawn 16-09-05
BN/22/05/L	Application for Listed Building Consent for an additional dormer window on west elevation (Re-submission following BN/54/04/L)	Withdrawn 16-09-05
BN/54/04/	Extension and alterations	ApproveConditionally 20-12-04
BN/55/04/L	Application for Listed Building consent for extension and alterations to Barnham Court Lodge.	ApproveConditionally 20-12-04
BN/23/04/	Detached domestic garages & garden store.	ApproveConditionally 30-06-04
BN/24/04/L	Application for Listed Building Consent for detached domestic garages & garden store	ApproveConditionally 30-06-04
BN/6/04/	Detached domestic garages and garden store (re-submission of BN/34/03).	Refused 07-04-04
BN/7/04/L	Application for Listed Building Consent for detached domestic garages and garden store (re-submission of BN/35/03/L).	Refused 07-04-04
BN/35/03/L	Application for Listed Building Consent for detached domestic garages and garden store.	Withdrawn 02-10-03

BN/34/03/	Detached domestic garages and garden store.	Withdrawn 02-10-03
BN/32/01/TC	Fell 1 Cupressus Glabra tree (Arizona Cypress) and 1 Ailanthus Altissima tree (Tree of Heaven) within Barnham Conservation Area.	No Objection 21-12-01
BN/17/00/	Detached domestic garage & garden store (Resubmission following BN/15/99)	Refused 05-12-00
BN/18/00/L	Application for Listed Building Consent for detached domestic garage & garden store (Resubmission following	Refused 05-12-00
BN/15/99/	Detached domestic garage with store	Refused 27-08-99
BN/16/99/L	Application for Listed Building Consent for detached domestic garage with store	Refused 27-08-99
BN/14/97/L	Application for Listed Building Consent to replace extension front and rear window frames with different design and glaze with 16mm sealed units. Front frame same size, rear frame reduced size	ApproveConditionally 25-07-97
BN/11/95/L	Application for Listed Building Consent for replacement of windows to front elevation in same style and design as existing. Construct opening to loft in front bedroom and enlarge opening to loft on landing.	ApproveConditionally 18-08-95

Relevant planning history noted.

REPRESENTATIONS

Barnham & Eastergate Parish Council - The Committee supports the view of the ADC Tree Officer.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

The applicant has employed Arun Tree Company Ltd., to prepare and submit a tree survey and plan. This is comprehensive and includes a detailed work specification with satisfactory reasons given for each item.

Those various trees listed for work are growing within Church Lane, Barnham Conservation Area and no Tree Preservation Order applies. As such, I treat this application as a section 211 notice.

They are discreetly located within the expansive gardens of the property. Collectively they have limited visibility from neighbouring properties and to users of publicly accessible land. As such, they possess little public amenity value but do contribute to the garden setting.

Advice is sought on the future management of ash trees on the site; given the probability of future disease 'Chalara ash dieback'. Health and safety must be the priority within such a residential setting.

To support a proposal for removal of trees at this property, with Chalara ash dieback, I would require the following information:

1. The applicant will need to provide evidence (usually photographs of high quality) which clearly demonstrate the presence of fungus *Hymenoscyphus fraxineus* and associated disease.
2. The applicant will need to provide evidence (usually photographs of high quality) which demonstrate the tree is within Ash Health Class 3 or Class 4 as detailed on p33 of The Tree Council's Action Plan Toolkit. Those are described as having 50%-26% remaining canopy and 25%-0% remaining canopy respectively. If both tests can be met, then I would support action to fell as an exception (dangerous trees or branches).

Conclusions:

I am satisfied that the works proposed are justified and if undertaken to a high standard and at the right time - will not result in character of the surrounding area being diminished.

I raise No Objection to the works that have been applied for and see no reason to make a Tree Preservation Order in this instance.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside Built-Up Area (Countryside - C SP1)

Tree Preservation Orders

Listed Buildings

Conservation Area

Archaeological Notification Areas

Area of Special Control (Adverts)

Lidsey Treatment Catchment

DEVELOPMENT PLAN POLICIES**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the tree officer it is recommended there be no objection to the works proposed.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

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 0345 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.