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

REF NO: **BN/16/16/TC**

LOCATION: Barnham Court Lodge
Church Lane
Barnham

PROPOSAL: Fell 1 No. Ash tree within the Church Road, Barnham Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	Detached property.
CHARACTER OF LOCALITY	Semi-rural village location. Mainly residential.

RELEVANT SITE HISTORY

Various tree works granted permission before.

REPRESENTATIONS

Representations received:

Barnham Parish Council

No objection.

One letter of representation received objecting to the loss of the Cypress tree as an important and health TPO tree which does not need to be removed.

Comments on Representations received:

The removal of the TPO tree is no longer part of the proposal.

CONSULTATIONS

Arboriculturist
Conservation Officer

Consultations responses received:

ARBORIST

Comments:

· The applicant has applied to fell both T1 and T2.

· T1 is covered by an active TPO order (TPO/BN/1/09). This does mean the felling of T1 should be applied for under a TPO application form.

· For T2, from the site inspection it was evident that this individual did not have the attributes to warrant a TPO order.

Recommendation:

· For T1, as this specimen is covered by a TPO order (TPO/BN/1/09), a TPO application would have to be made.

· For T2, as this specimen did not have the attributes to warrant a TPO order, I would have no objection to the proposed felling of T2.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Conservation Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The Tree Officer has no objection to the felling of the Ash Tree as it does not have the attributes to warrant a TPO. As such, its loss if not considered to harm the visual amenity of the area.

No objection is recommended.

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.