NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPOR

REF NO: **B/14/09/TC**

LOCATION: Wepham Farm Stables
Wepham
Arundel

PROPOSAL: Fell 6 no. Fir trees, 1 no. Cotoneaster, 1 no. Whitebeam, 1 no. White Cedar, 2 no. Lilac & 2 no. Laburnum within the Burpham & Wepham Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 400 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	The trees themselves are on fairly level ground but the road adjacent to the land slopes steeply downwards from east to west.
TREES	The site is densely covered by a mixture of established trees, saplings and assorted shrubbery.
BOUNDARY TREATMENT	There is an approximately 1.5 metre high timber post and rail fence to the front and sides of the site. The other edge has no formal boundary treatment.
SITE CHARACTERISTICS	The site is an overgrown patch of land which features a number of small trees and saplings and is densely overgrown. There are exposed gas tanks within the site which serve the buildings to the rear.
CHARACTER OF LOCALITY	The site is located on a corner at the junction between two rural lanes which are outside of the built-up area. It is directly to the front of Wepham Farm Stables which have been designated as buildings of character. The surrounding area in one of Outstanding Natural beauty. To the east there is a patch of woodland whilst the site is surrounded in other directions by a mixture of fields, agricultural buildings, open downland and a small amount of linearly arranged residential dwellings.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Burpham Parish Meeting

The trees are old and too close to the fuel tanks and buildings. Replacing them with a

grassed area would improve the appearance of this part of Wepham village. Please approve this application.

One letter of support. These trees and shrubs were planted much too close to each other and have become an eyesore. There is a gas tank under the trees and this creates a potential hazard. Visually this will be a significant improvement on the corner. There are many other trees in the immediate area.

Comments on Representations received:

Noted.

CONSULTATIONS

Horticulturist
Conservation Area Advisory Com

Consultations responses received:

Council's Arboriculturalist: None

Conservation Area Advisory Committee: No comment.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area
Area of Outstanding Natural Beauty
Conservation Area
Building of Character

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPC3	Areas of Outstanding Natural Beauty
Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character
	AREA2	Conservation Areas
	AREA9	Area of Outstanding Natural Beauty

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas
PPG15	Planning and the Historic Environment

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.

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 that are the subject of this application currently produce an overgrown appearance at the corner of the road with their dense foliage blocking views of the Wepham Farm Stables which is a Building of Character. Although the Supplementary Planning Guidance for Conservation Areas identifies 'boundary hedging' and 'mature trees' as contributors to the overall character of Burpham and Wepham Conservation Area, it is not considered that the trees that are subject of this application arre of any significant amenity value. It is noted that the largest trees on the site, namely two Field Maples, are to be retained.

It is therefore considered that none of these trees are worthy of a Tree Preservation Order and no objection should be made to their removal.

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 amendd) 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.