

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: B/30/10/TC

LOCATION: 82 Burpham
The Street
Burpham

PROPOSAL: Fell 1 No Pine Tree; reshape, remove top and dead section by 25% to 1 No Holly Tree within the Burpham and Wepham Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees subject of the application.
BOUNDARY TREATMENT	There is an approximately 1m high flint and brick wall to the front of the dwelling which steps up to approximately 1.5m high to the western side boundary and a similar height brick wall on part of the eastern boundary where the elevation walls of outbuildings form part of the border and there is also hedging of various heights.
SITE CHARACTERISTICS	The site is occupied by an L-shaped Grade II Listed Building which has flint and brick elevation walls with additional timber framing to the rear elevation. The roof is gable ended and is clay tiled although immediately above the eaves there is a course of Horsham slabs. There are six brick buttresses, all of which extend to eaves height, to the front elevation. There are two chimneys on the western roof slope and two more centrally positioned straddling the ridge of the roof. There are a number of detached outbuildings to the rear, most of which are timber but there is also a glasshouse and a small brick structure.
CHARACTER OF LOCALITY	Burpham Conservation Area. The site is located on a rural road which is characterised by well spaced residential development, which comprises largely of historic flint walled buildings. Those on the east side of the road are generally set back some of which have grass verges to the front and flint boundary walls.

RELEVANT SITE HISTORY

B/23/10/ Provision for concealed off street parking to the front of dwelling, via the existing driveway leading to Chestnut Cottage Approve Cond 27-09-2010

None

REPRESENTATIONS

Representations received:

Burpham Parish Council:

The Holly tree and Pine tree are badly damaged by ivy. The Holly tree can be saved if trimmed as requested. The Pine tree will not recover and become dangerous if not felled.

Comments on Representations received:

Comments noted, however the application is to considered whether or not the trees are worthy of being placed under a Tree Preservation Order.

CONSULTATIONS

Conservation Officer

Council's Arboriculturalist

Conservation Area Advisory Com

Consultations responses received:

Conservation Area Advisory Committee:

No comment.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside the built-up area boundary

Grade II Listed Building

South Downs National Park

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)

[GEN7](#)

[AREA2](#)

Protection of the Countryside

The Form of New Development

Conservation Areas

PLANNING POLICY GUIDANCE

PPS1

PPS5

Delivering Sustainable Development

Planning for the Historic Environment

SUPPLEMENTARY POLICY GUIDANCE

XXX1

XXX2

Circular 36/78

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

TREES

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

TREES CA

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 purpose of this notice is to advise of works to 1No. Holly tree and 1no. Pine tree within the Burpham Conservation Area.

The Holly tree is visible from the highway, however its amenity value is largely minimised by the large Horse Chestnut tree within the front garden of the neighbouring property which is dominant within the street scene. The Pine tree is to the rear of the dwelling and therefore not readily visible within the street scene.

The trees given their siting, scale and condition are not considered worthy of a preservation order as they do not significantly contribute to the public visual amenity of the surrounding Conservation Area.

It is therefore recommended that no objection be raised, or Tree Preservation Order be made and the works should proceed as per the notification.

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

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immediately and contact Natural England before continuing.