NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPOR

REF NO: **B/4/10/TC**

LOCATION: The Splash
102 Wepham
Burpham

PROPOSAL: Removal of 14 No Conifer (Leylandi) trees, 2 No Holly trees and 1 No Laurel 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	Site stepped up from the highway, rear garden slopes down from east to west
TREES	The trees subject of the application.
BOUNDARY TREATMENT	Metal wire fencing approximately 1m high enclosing rear of the garden supplemented by trees to the west boundary.
SITE CHARACTERISTICS	Semi detached 2 storey dwelling. Flint red brick quoin, gable slate tiled roof. Half pitch section to side elevation.
CHARACTER OF LOCALITY	Sited within a rural area, residential properties of varying design and scale within close proximity.

RELEVANT SITE HISTORY

B/16/07/TC	Removal of 1 no Yew Tree within the Burpham & Wepham Conservation Area.	No Objection 03-10-2007

REPRESENTATIONS

Representations received:
Awaited.

1 Letter of Objection:
No felling as it would contravene the Wildlife and Countryside Act 1981 and 1985.

Comments on Representations received:
Informative relating to the Wildlife and Countryside act to be included within the detirmination of the application.

CONSULTATIONS

Conservation Officer

Horticulturist
Conservation Area Advisory Com

Consultations responses received:

Conservation Area Advisory Committee: No comment.

Councils Arborist: The existing trees form part of an untidy line of conifers and other evergreen species, none of which could be returned to a state of being manageable. No reason to place under a Tree Preservation Order, noting that the replacement plans for a better maintained country garden.

Comments on Consultation responses:

Comments noted. It is noted that the Local Planning Authority cannot require the replacement of these trees within this application.

POLICY CONTEXT

Designation applicable to site:
Outside the built-up area boundary
Conservation Area
Building of Structural Character

DEVELOPMENT PLAN POLICIES

South East Plan:		
Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 proposed application is to fell 14No. Conifer trees, 2no. Holly trees and 1No. Laurel tree along the side boundary of the site.

The Laurel tree and Holly trees are not readily visible from the public highway, however, the Conifer trees are partly viewed within the street and appear as hedging which is not considered to significantly contribute to public visual amenity.

It is therefore recommended that no Tree Preservation Order be made and the works should proceed as per the application.

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.