

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: B/5/09/TC

LOCATION: Burpham Farm House
Burpham

PROPOSAL: Fell two Pine trees within the Burpham Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 1500 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Site slopes down away from the highway.
TREES	The trees subject of this application with many other trees within and surrounding the site.
BOUNDARY TREATMENT	Flint wall approximately 1.6m high to front boundary. Adjoining property Splash Barn Farm forms boundary to the north east.
SITE CHARACTERISTICS	The site is occupied by a 2 storey detached dwelling. Render and red brick walls. Gable red tiled roof, flat roof garage to side of property.
CHARACTER OF LOCALITY	The site is located within a rural area with residential properties within close proximity. Mix of types and styles of detached properties. Open fields to the rear of the site.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

No objection:

The branches of the 2 trees overhang my property, therefore I fully support the application.
The Parish Council support the application to fell the trees.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Horticulturist

Consultations responses received:

Conservation Area Advisory Committee:

The Councils Arborist should be consulted prior to the trees being felled to confirm their significance.

Comments on Consultation responses:

Comments noted. The Councils Arborist is consulted to comment on the health of the tree. It is the role of the planning officer to decide whether or not the tree significantly contributes to public visual amenity, and thereby if the trees are worthy of being placed under a Tree Preservation Order. In this instance they are not considered to satisfy this criteria.

POLICY CONTEXT

Designation applicable to site:
Outside the Built-up Area Boundary
Area of Outstanding Natural Beauty
Class C Road
Conservation Area
Grade II Listed Building

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	AREA2	Conservation Areas
	AREA9	Area of Outstanding Natural Beauty

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 the character and appearance of the Conservation Area.

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 or legislative background.

CONCLUSIONS

The proposed application is to fell 2 Pine trees within the Burpham Conservation Area. The Pine trees are located within the front garden of Burpham Farm House which is a Grade II Listed Building. The 2 Pine trees are viewed from the public highway, however they are screened by other mature trees and existing buildings and are 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.