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

REF NO: B/7/12/TC

LOCATION: St Mary The Virgin Church
The Street
Burpham

PROPOSAL: Lift canopies of 2 No. conifer trees by 7 metres within the Burpham Conservation Area. This application lies within the South Downs National Park Authority.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The works propose a canopy lift of approximately 2.5metres and not 7metres as advertised.
SITE AREA	Approximately 2589 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Site slopes up from the highway.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint wall approximately 1.6m high to front of the site.
SITE CHARACTERISTICS	Grade I Listed Church, churchyard surrounding.
CHARACTER OF LOCALITY	Sited within the Burpham Conservation Area and South Downs National Park. Residential properties surrounding the site. Public House opposite the site.

RELEVANT SITE HISTORY

B/30/02/TC	Lopping and pruning of two conifer trees (Within the Burpham Conservation Area)	No Objection 22-11-2002
B/18/05/TC	Surgery to 1 no. mature Beech tree (Within the Burpham Conservation Area)	No Objection 27-01-2006
B/3/10/TC	Removal of low branches to one Yew tree in the Burphan and Wepham Conservation Area	No Objection 09-04-2010
B/29/10/TC	Cut three Holm Oak tree's on church boundary behind church cottage down to the level of cottage eaves. Cut back 1 stem of Bay tree overhanging Church Cottage to eaves height. Cut back 1 no Holm Oak overhanging Cottage and cottage garage to eaves height within the Burpham and Wepham Conservation Area	No Objection 08-11-2010

report

REPRESENTATIONS

Representations received:

Awaited.

1 Letter of objection:
No surgery due to nesting birds.

Comments on Representations received:

Comments noted. Informative to be attached to decision advising applicants of the relevant Wildlife Acts.

CONSULTATIONS

Conservation Officer
Council's Arboriculturalist
Conservation Area Advisory Com

Consultations responses received:

Tree Officer:
Objection, suggest Tree Preservation Order.

Conservation Area Advisory Committee:
No comment.

Comments on Consultation responses:

Comments are noted. The works proposed actually suggest a 7-8 foot (2.5metres) canopy lift and not a 7 metre canopy lift as suggested. As such it is not considered that the works would detract from the appearance of the trees and therefore would not require the trees to have the further protection of a Tree Preservation Order.

POLICY CONTEXT

Designation applicable to site:
Outside the Built-up Area Boundary
Conservation Area
South Downs National Park

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

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 notification is to advise of works to 2No. Conifer trees. The trees are not considered to significantly contribute to public visual amenity nor would the works detract from their appearance, therefore they will not be made the subject of a Tree Preservation Order.

It is therefore recommended that no Tree Preservation Order be made to the conifers and 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.