

**Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area****REF NO:** EP/128/13/TC**LOCATION:** East Preston Lodge  
35 Vicarage Lane  
East Preston**PROPOSAL:** Reduce canopy of 1 No. Macrocarpa tree by 4 metres within the East Preston Station Road Conservation Area**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                                                                                                          |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above.                                                                                                                                                                                                                                |
| SITE AREA                   | N/A                                                                                                                                                                                                                                      |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                                                                                                      |
| TOPOGRAPHY                  | Predominantly flat.                                                                                                                                                                                                                      |
| TREES                       | There are a number of mature trees, predominantly Macrocarpa, which are positioned alongside the northern, southern and western site boundaries. None of these trees are the subject of any Preservation Order.                          |
| BOUNDARY TREATMENT          | Boundary marked by a mixture of timber post and rail fencing, wire mesh fencing and bamboo screening, all of which is roughly 1.8 metres in height.                                                                                      |
| SITE CHARACTERISTICS        | The site is occupied by a detached residential dwelling which is set back from all site boundaries and largely screened from view from the public domain by surrounding trees.                                                           |
| CHARACTER OF LOCALITY       | The site is located within the East Preston/Rustington (Station Road) Conservation Area which is valued for possessing a semi-rural character and appearance, which is contributed to by mature landscaping within the surrounding area. |

**RELEVANT SITE HISTORY**

|              |                                                                                                                                                                      |                            |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| EP/8/00/TC   | Fell three sycamore trees, fell one cupressus tree, top five cupressus trees and remove split limb from one cupressus tree within the East Preston Conservation Area | No Objection<br>07-03-2000 |
| EP/140/08/TC | Fell five Leylandii and one Sycamore within the Angmering Conservation Area.                                                                                         | No Objection<br>15-12-2008 |

|              |                                                                                                        |                            |
|--------------|--------------------------------------------------------------------------------------------------------|----------------------------|
| EP/109/09/TC | Section down 1x diseased Macrocarpa Conifer to approx 15 feet, removing all dead & storm damaged limbs | No Objection<br>07-09-2009 |
| EP/5/10/TC   | Fell 1No. Sycamore tree and 1 No. Ash tree within the East Preston, Station Road Conservation Area.    | No Objection<br>19-03-2010 |
| EP/30/12/TC  | Various surgery to 2 no. Conifer trees within the East Preston Conservation Area                       | No Objection<br>31-05-2012 |

#### **REPRESENTATIONS**

**Representations received:**

None.

**Comments on Representations received:**

None.

#### **CONSULTATIONS**

Council's Arboriculturist  
Conservation Officer

**Consultations responses received:**

CONSERVATION AREA ADVISORY COMMITTEE: No objection.

**Comments on Consultation responses:**

Noted.

#### **POLICY CONTEXT**

Within Conservation Area

#### **DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:

#### **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**

It is considered that the Macrocarpa, on its own, does possess a certain level of amenity value as a contributor towards the semi-rural nature of the Conservation Area due to its positioning at the entrance to Angmering Lane. The proposed works are minor and will not endanger the tree. The amenity value of the tree is not significantly high due to the mitigating presence of a large number of other mature trees within the immediate vicinity,

As such, it is not considered that the tree is not at risk and is not worthy of Tree Preservation Order status. It is therefore recommended that no objections are raised against the proposed works.

#### **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 immediately and contact Natural England before continuing.