

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

REF NO: EP/161/14/TC

LOCATION: The Vicarage
33 Vicarage Lane
East Preston

PROPOSAL: Various surgery to 17No. trees within the East Preston/Rustington (Station Road) Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The subject trees are solely located in the rear garden of the property.

SITE AREA

n/a

TOPOGRAPHY

Predominantly flat

TREES

The trees that form the subject of the application.

BOUNDARY TREATMENT

To front, wooden fencing at approximately 1.5m in height. Close boarded fencing at approximately 1.8m in height to the rear. Trees and hedging in places around the perimeter of the site.

SITE CHARACTERISTICS

The site comprises a residential property which is two storey detached. It serves as a Vicarage. There is a large rear garden and the trees that form the subject of this application are located around its three edges.

CHARACTER OF LOCALITY

Predominantly residential. There are a number of visually significant trees in the street scene and to the rear of adjoining properties. A church is located opposite.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Awaited.

Comments on Representations received:

None

CONSULTATIONS

Arboriculturist

Conservation Officer
Listed Building Officer

Consultations responses received:

Council's arboriculturalist

No objection. As the trees on this application are only in a Conservation Area and are not Tree Preservation Order'd, this report will test their suitability for a TPO Order. As all the surveyed trees are not suitable for a TPO Order and/or the works proposed are not likely to have detrimental effects on the individuals, there is no objection to the outlined pruning operations.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, 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 trees that form the subject of this application are located in the rear garden of The Vicarage. Various works are proposed to the 17no. trees, mainly for maintenance reasons. Due to the rear location and sizeable nature of the garden, they are set far back from the road with views interrupted by the property. Consequently, they do not offer significant visual amenity value to the street scene or public vantage points.

The Council's arboriculturalist has no objection to the works. The works are mainly seen as pruning operations and will not have any detrimental effects on the health and vitality of the trees.

It is therefore recommended that no objection be raised and the works may 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 immediately and contact Natural England before continuing.