

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT**REF NO:** EP/85/11/TC**LOCATION:** South Eastern Corner of Church and group
St Mary's Church
Station Road/Vicarage Lane East Preston**PROPOSAL:** Fell 1 No Euonymus tree to ground level and lift canopy height by 15% to 1 No
Bay tree within the Station Road, East Preston 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 both on the site boundaries and within the site. These are interspersed with younger ornamental trees with shaped Yew being particularly common. A number of the older trees are subject of Tree Preservation Order (TPO/EP/1/71), but this application does not involve any works to these protected trees.
BOUNDARY TREATMENT	The site boundaries are marked by approximately 1m high flint walling with additional trees and hedging in places.
SITE CHARACTERISTICS	The site is occupied by a Grade I Listed Church which has a mixture of stone, flint and painted render walls. It is surrounded by a landscaped Churchyard containing a number of graves and featuring a number of established trees of a mixture of species. There is a Lynch Gate at the main site entrance on the western boundary.
CHARACTER OF LOCALITY	The site is located within a Conservation Area which is characterised, predominantly, by large detached dwellings which are set back from the road with grass verges and mature landscaping to the front. The Church is in a dominant position on the corner at the junction between Station Road and Vicarage Lane.

RELEVANT SITE HISTORY

EP/126/01/TC	Trim 1 Yew tree overhanging public footpath & trim 1 Sycamore tree within the Station Road, East Preston Conservation Area.	No Objection 04-01-2002
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EP/160/04/TC	Fell one Sycamore tree within the Station Road, East Preston Conservation Area.	No Objection 24-12-2004
EP/57/06/T	Reshape 1 No. Yew tree and lift crown of 1 No. Yew tree	Approve Cond 17-05-2006
EP/69/09/TC	Prune 1no Cherry Tree adjacent to Lych Gate (Within the Station Road, East Preston Conservation Area)	No Objection 26-06-2009
EP/92/10/TC	Fell 3 no. Tree's of heaven and all their suckers within the East Preston Conservation Area.	No Objection 04-10-2010
EP/107/10/TC	Various tree surgery within the East Preston Conservation Area. This site also falls within the parish of Rustington	No Objection 23-11-2010

REPRESENTATIONS**Representations received:**

East Preston Parish Council

The Council will accept the ADC Arborists decision upon the application.

Comments on Representations received:

Comments noted. However, the Councils Arborist has not responded to this application and it is the Planning Officers discretion to consider whether or not the trees should be made the subject of a preservation order. In this instance the trees are not considered to be significant contributors to the locality to warrant such means of preservation.

CONSULTATIONS

Council's Arboriculturalist

Conservation Officer

Conservation Area Advisory Com

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Within Conservation Area

Grade I Listed Building

Tree Preservation Order TPO/EP/71/1

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

TREES

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

TREES CA

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 are subject of this application are sited forward of the front boundary of the site which faces onto Station Road. There are a number of trees within this area of various sizes and maturity. Collectively these trees contribute to the character and appearance of the surrounding Conservation Area through their visual presence and providing a setting for the Grade I Listed Church.

The proposal will involve the felling of 1 tree, namely 1No. Euonymus (Spindle) tree and the 15% reduction of 1No. Bay tree. The Spindle tree is not considered to be a significant feature in the Conservation Area with other larger prominent trees within the locality nor is the Bay which has more of an appearance of hedging. As such the works would not detract from the character of the Conservation Area and the setting of the Grade I Listed Church.

It is therefore recommended that no Tree Preservation Order be made in this instance and thereby no objections are made to 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.