

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: H/16/09/TC

LOCATION: Sustins
Houghton
Arundel

PROPOSAL: Remove 2 lowest limbs overhanging 31 The Street & reduce back some of the remaining protruding branches to 1 no. Silver Birch tree (within the Houghton Conservation Area)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 1560 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	The site is on a raised bank by the side of the road and slopes gently upwards to the north.
TREES	There are various mature trees situated intermittently along the side and rear boundaries of the site.
BOUNDARY TREATMENT	The site is enclosed by a mixture of trees and approximately 2 metre high hedging. There is an opening to the front to allow for access.
SITE CHARACTERISTICS	The site is occupied by a detached, red brick, two storey dwelling with a detached garage and outbuilding to the side and set back from the dwelling. The dwelling itself is set back from the road and a combination of hedging to the front and its siting on a raised piece of land means it is largely screened from view from the street.
CHARACTER OF LOCALITY	The site is located to the side of a rural B-road lane which is lined by a mixture of two storey dwellings, farm buildings and open fields and scrub. The road is lined by a hedgerow with occasional trees.

RELEVANT SITE HISTORY

H/15/09/TC	Crown reduce by 25 - 30% & thin by 20% removing any dead wood to 1 no. Ash tree (within the Houghton Conservation Area)	No Objection 06-11-2009
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None.

REPRESENTATIONS

Representations received:
Houghton Parish Meeting

Awaited.

Comments on Representations received:

None

CONSULTATIONS

Horticulturist

Conservation Area Advisory Com

Consultations responses received:

HORTICULTURALIST - Awaited.

CAAC - No comment.

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area

Within Conservation Area

Area of Outstanding Natural Beauty

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPC3	Areas of Outstanding Natural Beauty
Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands
	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 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 Silver Birch is positioned to the front of the dwelling, alongside a driveway. It partially overhangs into the site of 31 The Street, which is the neighbouring property to the east, and comes close to a new two storey extension which has recently been built there. The proposed works are fairly minor and are intended to curb the level of overhang.

The tree is partially visible from the road but does not have the same impact as larger trees that are positioned behind it. It is therefore considered that the tree is not of a sufficiently high amenity value to warrant issuing a Tree Preservation Order.

It is therefore recommended that no objection be raised 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.