

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: H/7/10/TC

LOCATION: 1 St Nicholas Cottages
The Street
Houghton

PROPOSAL: Fell & remove 3 no. Conifer trees and replant with 1 no. Prunus & 3 no. Silver Birch trees (within the Houghton Conservation Area)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Site on hillside.
TREES	The trees subject of the application.
BOUNDARY TREATMENT	Front boundary has wooden fencing approximately 1.2m in height, side boundary to Houghton Farm has flint wall and hedging approximately 1.5m in height, side boundary to No.2 has hedging approximately 1.5m in height. Rear boundary has wooden picket fencing approximately 1m in height then open farmland, side boundary to Houghton farm has flint wall and hedging approximately 1.5m in height, side boundary to No.2 has hedging approximately 1.5m in height.
SITE CHARACTERISTICS	Semi-detached 2-storey Listed Building built by the Duke of Norfolk in 1849 as The Vicarage. Plaque on front of building over the first floor window dated 1849. The property has a front porch, single storey extension on the west side, outbuilding at front of site. The walls have red brickwork, white windows with a grey slate roof.
CHARACTER OF LOCALITY	Rural area with open farmland, Houghton Farm to west of site, St. Nicholas Church to front of site.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Houghton Parish Council: Awaited.

Comments on Representations received:

None

CONSULTATIONS

Horticulturist

Conservation Area Advisory Com

Consultations responses received:

Councils Arborist:

The group of Conifers to be removed are collectively too close to each other to be of a reasonable feature. With regard to a replacement tree a total of 4 potentially medium sized tree species planted in such a restricted area would be arboriculturally unsound and suggest that no more than 2 trees be planted in the area occupied by the existing Conifers and the other 2 trees be planted in other areas of the garden.

Comments on Consultation responses:

Comments noted. This application seeks consent for works to trees within the Houghton Conservation Area and cannot control the requirement for replacement trees although this is stated within the application.

POLICY CONTEXT

Designation applicable to site:

Outside the built-up area boundary

Conservation Area

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:

[GEN3](#)
[GEN7](#)
[AREA2](#)

Protection of the Countryside
The Form of New Development
Conservation Areas

PLANNING POLICY GUIDANCE

PPS1
PPS7

Delivering Sustainable Development
Sustainable development in rural areas

SUPPLEMENTARY POLICY GUIDANCE

XXX1
XXX2

Circular 36/78
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 proposed application seeks permission to 3No. Conifer trees which are to be replaced with 1No. Prunus tree and 3No. Silver Birch trees. The Conifer trees are not readily visible from the public domain and are not considered to significantly contribute to the public visual amenity of the surrounding area.

It is therefore considered that the trees are not worthy of being placed under a Tree Preservation Order and the 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 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.