

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

REF NO: LU/1/14/TC

LOCATION: Franciscan Missionary Sisters
St. Josephs Convent
East Street Littlehampton

PROPOSAL: Various surgery to various trees within the East Street Littlehampton Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The works concern 12 trees which are situated to the front and side (east) of the Convent building.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees that form the subject of this application.
BOUNDARY TREATMENT	To front, white boundary wall with metal railings on top and brick walling to sides at approximately 2m in height.
SITE CHARACTERISTICS	A three storey building used as a convent. There are many trees along the boundaries to the site.
CHARACTER OF LOCALITY	Predominantly residential in character. The street scene is mainly devoid of trees.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer
Council's Arboriculturist

Consultations responses received:

Council's arboriculturalist
No objection.

These works are all standard maintenance operations and acceptable practice. I approve of the works as listed and see no reason to apply a TPO to control them. A condition is suggested so that the works undertaken conform to British Standards.

Comments on Consultation responses:

Comments noted. However, a condition cannot be placed on this type of application as it forms only a notification of works. Instead, the applicant will be advised of British Standards regulations by way of an appropriate Informative.

POLICY CONTEXT

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

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

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

This application forms notification for intended works to twelve trees at the site fronting East Street and Fitzalan Road. The trees identified for works comprise 5x Horse Chestnuts, 2x Oak trees, 1x Holm Oak, 1x Sycamore, 1x Bay Laurel, 1x Macrocarpa and a Leylandii tree line. The reason for the crown reduction work as stated in the application is for prudent maintenance of the trees.

It is considered that the amenity of the Conservation Area will not be adversely affected by the proposed works. The Council's arboriculturalist has raised no objection to the works stating that they form standard maintenance operations and acceptable practice.

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.
- 3 **INFORMATIVE:** The applicant is advised that where whole branches are to be removed, final cuts close to the trunk or branch union should be made in accordance with British Standards 3998: 2010 and all shortened branches are to be cut at the correct angle and adjacent to a live bud or lateral.