

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

REF NO: LU/275/14/TC

LOCATION: Rear of 8 Smallcroft Close
Littlehampton

PROPOSAL: Fell 5 No Sycamore trees within the Littlehampton River Road Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
TOPOGRAPHY	Predominantly flat
TREES	The trees that form the subject of this application.
BOUNDARY TREATMENT	n/a
SITE CHARACTERISTICS	The trees in question are situated in close proximity to a flint boundary wall to the rear of no. 8 which is a two storey terraced property.
CHARACTER OF LOCALITY	Predominantly residential.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Council's arboriculturalist

No objection.

*The trees are situated in the rear garden of no. 8 where they are not visible to the public and have poor arboricultural traits.

*The trees have established themselves at the foot of a flint wall and self-seeded from a neighbour's maturing Sycamore three doors down.

*There is currently little evidence that the trees are having an adverse effect on the boundary

wall, however future growth and development is highly likely to compromise this wall and other surrounding structures.

*It is therefore recommended that the application be approved as future development and growth of the trees is likely to lead to issues occurring with surrounding structures.

Comments on Consultation responses:

None

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The policies in the Arun District Local Plan are general and, other than National Planning Practice Guidance under References ID: 36-001-20140306, 36-008-20140206 and 36-012-20140306 accessed on-line on 06-08-2014, 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 5no. Sycamore trees are situated to the rear of the property where they offer limited visual amenity to the street scene and surrounding area. The works involve their felling due to their close proximity to a flint wall.

The Council's arboriculturalist has no objection to the proposed felling of the trees.

They are considered to be self-seeded and have poor arboricultural traits. Whilst there is little evidence that the trees are having an adverse effect on the boundary wall, future growth and development is highly likely to compromise this wall and other surrounding structures.

The loss of these trees will not lead to a harmful loss of amenity to the surrounding area, especially given larger and more visually significant examples in Smallcroft Close and River Road.

It is therefore recommended that no objection be raised to the 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.