

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: LU/292/11/TC

LOCATION: 2 Selborne Place
Littlehampton

PROPOSAL: Fell 1 no. Poplar tree within the Littlehampton Seafront Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The tree is positioned alongside the rear boundary of the site, which flanks Irvine Road.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	There is a small ornamental tree next to the Poplar.
BOUNDARY TREATMENT	The tree is adjacent to the rear site boundary which is marked by an approximately 1.5 metre high flint and brick wall that has additional sections of iron railings above.
SITE CHARACTERISTICS	The site is occupied by a large three-storey building which has a restaurant as the ground floor use and has been subdivided into residential flats above. There are landscaped gardens and seating areas to the rear of the building.
CHARACTER OF LOCALITY	The site is located on a residential road within the Littlehampton Sea Front Conservation Area and is part of a particular section of the Conservation Area that is valued as having a spacious, leafy suburban character. There are a number of architecturally important buildings in the vicinity.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

One letter of objection from West Sussex Wildlife Group: No felling unless dead or dangerous.

Comments on Representations received:

Noted. The tree is not the subject of a Tree Preservation Order, nor is it deemed to be worthy of this status, as such, its loss would be acceptable.

CONSULTATIONS

Conservation Area Advisory Com
Conservation Officer
Council's Arboriculturalist

Consultations responses received:

CONSERVATION AREA ADVISORY COMMITTEE: No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area
Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

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 tree in question forms a visual presence on the street scene of Irvine Road. It is noted that special mention of the leafy suburban quality of this road is made within the Council's Supplementary Planning Guidance for Conservation Areas. However, the guidance goes on to mention that the primary reason for this characteristic is the presence of a line of mature trees on

the northern side of the road.

The Poplar tree is on the southern side and, although there are other trees on this side of the road, they are not of the same visual quality and maturity as those on the north side, are more irregularly spaced and, as such, do not contribute towards the leafy suburban character in the way that the trees on the opposing side of the road do. It should also be noted that the Conservation Area Advisory Committee have not objected to the loss of the tree.

It is therefore considered that the Poplar tree does not possess an amenity value that would warrant it being subject of a Tree Preservation Order and that, as such, no objections should be raised towards the proposal to fell it.

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.