

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

REF NO: LU/57/15/TC

LOCATION: Pharos Quay
River Road
Littlehampton

PROPOSAL: Fell 1 No Birch tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

There are a number of trees planted throughout the site and acting as landscaping for the development.

BOUNDARY TREATMENT

The site is enclosed by a mixture of timber fencing, hedging of a modest height and metal railings.

SITE CHARACTERISTICS

The site is occupied by a residential development consisting of a number of three-storey blocks of flats.

CHARACTER OF LOCALITY

The site is located within a designated Conservation Area and is an example of modern development that intersperses more historic buildings that line the road. The predominant use of surrounding buildings is residential.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A

CONSULTATIONS

Conservation Officer
Arboriculturist

Consultations responses received:

Council's Tree Officer:-

Comments:

- The tree outlined in this application is located in Littlehampton. The surrounding landscape has a poor stocking density, of mainly small to medium sized trees.
- T1 is standing in a planted bedding area off in Pharos Quay, and therefore can be easily seen by the public from the highway outside.
- T1 has poor form and is in poor condition. For these reasons the retention span is low.

Recommendation:

- As T1 does not have the merits to warrant a TPO order. I therefore have no objection to the proposed operation of the felling of T1.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:-

Adopted Local Plan
Class B Road
Conservation Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, 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 Council's Tree Officer has assessed the tree and found it to have poor form and be in poor condition and as such the tree has been to be unworthy of protection by a TPO. Therefore, in accordance with the comments of the Council's Tree Officer it is recommended that no objection is raised in relation 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.