

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: LU/71/10/TC

LOCATION: 36 Western Road
Littlehampton

PROPOSAL: Reduce height of 1No. Bay tree by one third (within the Littlehampton Conservation Area).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 78 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint wall approximately 2m high enclosing the rear of the site.
SITE CHARACTERISTICS	End of terrace 2 storey dwelling. Painted flint and brick quoin elevations, gable slate tiled roof. Single storey slate tiled rear section.
CHARACTER OF LOCALITY	Sited within the Littlehampton Conservation Area. Mix of types and styles of terraced properties surrounding, varying between 2-3 storeys in height.

RELEVANT SITE HISTORY

LU/73/00/TC	Prune one Bay Tree in the Littlehampton Conservation Area	No Objection 26-04-2000
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REPRESENTATIONS

Representations received:

Littlehampton Town Council

Littlehampton Town Council: No Objection. Refer to arborist.

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer

Horticulturist

Conservation Area Advisory Com

Consultations responses received:

Councils Arborist: The tree is sited within the back garden and has grown considerable over the past few years to the extent that it is filling that large area of what is a very narrow town garden. Not appropriate to place under a Tree Preservation order as it will continue to grow and become a conservation nuisance.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the built-up area boundary
Conservation Area

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2 GEN7 AREA2	Built-up Area Boundary The Form of New Development Conservation Areas
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PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

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 Bay tree is sited within the rear garden of the property and as it forms the end of terrace property the tree is readily viewed visible within the street scene to the East of the site.

The proposed work to the Bay tree is not considered to detract from the significant visual amenity

of the tree. It is considered that the tree is protected by its location within the Littlehampton Conservation Area and therefore the Bay tree will not be made the subject of a Tree Preservation Order.

It is therefore recommended that Lime tree will not be made the subject of a Tree Preservation Order and the proposed 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.