

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

REF NO: WA/32/15/TC

LOCATION: Willow Tree Cottage
The Street
Walberton

PROPOSAL: Fell 1 No. Cherry (Ornamental) tree within the Walberton Village Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The subject tree is an ornamental cherry tree located to the front of this dwelling. The subject tree is located in an area where larger mature trees in front of it.
BOUNDARY TREATMENT	The front garden is well screened by a 3m+ front hedgerow and side fencing above of brick wall of 2m+ in height.
SITE CHARACTERISTICS	The site is occupied by a dwelling with garage to the side. The front garden is well screened and not generally visible (except for the mature trees behind the front hedgerow).
CHARACTER OF LOCALITY	The site is located in a rural village locality in a generally residential area to the north west of the village recreation ground. The area is also characterised by dwellings having a mature landscape setting, with many substantial specimen trees.

RELEVANT SITE HISTORY

WA/7/01/TC	Reduction in height of 1no. Willow tree and thinning of crown of 1no. Beech tree within the Walberton Conservation Area	No Objection 03-04-2001
WA/103/04/TC	Pollard 1 Mature Willow tree. Prune & reshape the entire tree canopy removing no more than 20% of 1 Mature Beech tree within	No Objection 25-01-2005

the Walberton Village Conservation Area.

WA/51/10/TC	Reduce crown by 1/3 to 1 No Beech Tree, re-pollard 1 No Willow Tree and tip back growth of 1 No Silver Birch Tree in the Walberton Village Conservation Area	No Objection 02-08-2010
WA/33/13/TC	Reduce crown of 1no Beech tree by 3m, reduce crown of 1no. Silver Birch tree by 2.5m and re-pollard 1no. Willow tree - Within the Walberton Village & Walberton Green Conservation Area	No Objection 16-09-2013

None.

REPRESENTATIONS

Representations received:

Walberton Parish Council

Walberton Parish Council has no comments or objections.

No representations have been received from nearby occupiers.

Comments on Representations received:

None.

CONSULTATIONS

Arboriculturist

Consultations responses received:

The Conservation Area Advisory Committee raises no objection.

The Councils Tree Officer raises no objection and comments:

T1 Species: Cherry Prunus spp Height: 6 meters Average Branch Spread: 3.5 meters Crown Condition: fair to poor Form: fair Age Class: mature

Comments:

- The tree that has been outlined in this application is located in the front garden of Willow tree Cottage.
- The outlined cherry tree is not subject to an active TPO order; however the tree is situated in a Conservation Area.
- The outlined tree is barely visible from the main highway outside.
- From the site inspection; it is clear that T1 is in a poor overall condition. It is also clear that T1 is likely to have a retention span of less than 20 years.

Recommendation:

- As T1 does not have the attributes to warrant a TPO order, I would have no objection to the proposed felling of T1.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Conservation Area

Outside Built Up Area
Class C Road

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice 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 subject tree is not generally visible and is in poor overall conditions. It makes little if any contribution to the Conservation Area and is likely to have a retention span of less than 20 years. As such it is not considered that the tree merits retention, since it makes little if any contribution to amenity.

Therefore, it is recommended that no objection is raised in relation to the proposed felling of this tree.

NOTE:

The Willow and the Common Beach on the site frontage behind the hedgerow have been assessed for a TPO. They score 12 and 15 respectively on the TEMPO scale and both appear to be in good health/vigorous. Both score well (4) in terms of visibility and contribution to the street scene.

It has been concluded that these 2 trees each merit a TPO for these reasons.

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.