

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT**REF NO:** **WA/46/10/TC****LOCATION:** Flint Croft
 The Street
 Walberton**PROPOSAL:** Application for Conservation Area Consent to fell 2No. Ash Trees within the Walberton Village Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Ranch style fencing and trees, including those subject of application.
SITE CHARACTERISTICS	The site is a single storey detached dwelling.
CHARACTER OF LOCALITY	The site is located within the Walberton Conservation Area. The road is predominantly residential, with the exception of a small parade of shops which lie opposite the site. The properties in the area are of a traditional style.

RELEVANT SITE HISTORY

WA/24/04/TC	Fell 1 Sycamore tree within the Walberton Village Conservation Area.	No Objection 10-05-2004
WA/77/09/TC	Crown reduction to 2 no. Ash trees within the Walberton Village Conservation Area	No Objection 05-01-2010

REPRESENTATIONS**Representations received:**

Walberton Parish Council

No Objection.

Comments on Representations received:

Noted

CONSULTATIONS

Tree Officer

Consultations responses received:

District Arboriculturist:

I visited the site and inspected the two Ash Trees. I noted one having dead bark at the base of the main stem. Both have a drawn up appearance having been excessively crown raised in previous years. I do not consider them worthy of a Tree Preservation Order.

Conservation Area Advisory Committee:

No Comment

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Walberton Village Conservation Area

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2 GEN28 AREA2	Built-up Area Boundary Trees and Woodlands Conservation Areas
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PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS5	Planning for the Historic Environment

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

This is a notification of tree works within the Walberton Conservation Area. The works proposed include the felling of two no. Ash trees.

The Ash trees are located on the western boundary of the site. Although relatively large in size, they are not readily visible from the street scene due to the presence of a large Plane tree, amongst several others, than line the grass verge that separates the boundary of Flint Croft from the highway. As such the trees are not deemed to be of significant amenity value.

The District Arboriculturist has inspected the trees and is of the opinion that the trees are not worthy of a Tree Preservation Order, advising that one has dead bark at the base of the main stem. Both have a drawn up appearance having been excessively crown raised in previous years.

It is therefore recommended that no objection be raised to the felling of the Ash trees, or a Tree Preservation Order be made.

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 amendd) 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.