

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

REF NO: **WA/51/14/TC**

LOCATION: 1 School Terrace
 The Street
 Walberton

PROPOSAL: Fell 1 No Ash tree & 1 No Lawson Cypress tree within the Walberton Village Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The Ash tree is to the rear and the Lawson Cypress tree is to the front of the property.

SITE AREA

n/a

TOPOGRAPHY

Predominantly flat

TREES

The trees that form the subject of the application.

BOUNDARY TREATMENT

Low flint walling to front with trees and hedging. Trees to the rear of mixed heights.

SITE CHARACTERISTICS

A two storey end of terrace property which has flint elevations and a pitched slate tiled roof.

CHARACTER OF LOCALITY

Predominantly residential in character and located in the centre of Walberton Village, there are many other trees of notable size in the street scene other than the subject trees.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Awaited.

Conservation Area Advisory Committee
No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist
Conservation Officer

Consultations responses received:

Council's arboriculturalist

No objection.

Both trees do not have good form and they have little arboricultural merit.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

TREES

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 application is for the felling of 2no. trees in the Walberton Village Conservation Area. The Lawson Cypress is situated in the front garden where it provides some visual amenity value owing to its prominence and size. The Ash tree is situated to the rear of the property where it is largely hidden by the property and as such affords extremely limited visual amenity.

The loss of the Lawson Cypress will not lead to a detrimental loss to the character and appearance of the Conservation Area owing to other more mature specimens in the street scene and it would have the additional benefit of exposing more of the characterful and historic building.

The Council's arboriculturalist has no objection to their felling and considers them to have limited arboricultural value.

It is therefore recommended that no objection be raised and so the works may proceed as per the notification.

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.