

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

REF NO: WA/59/13/TC

LOCATION: St Marys Church
The Street
Walberton

PROPOSAL: Fell 1 No. Holly Tree within the Walberton Village Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree that forms the subject of this application.
BOUNDARY TREATMENT	Trees and hedging of various heights form the main boundary treatment around the perimeter of the church.
SITE CHARACTERISTICS	A Grade I Listed Church of the Late Saxon/Norman style with predominantly flint elevations with some ashlar and brickwork evident. The churchyard is situated to the front, sides and rear of the church.
CHARACTER OF LOCALITY	Rural in character, St. Mary's Church is accessed down a long narrow lane. There are open fields beyond the church situated to the south.

RELEVANT SITE HISTORY

WA/64/02/TC	Surgery to 4 Ash, 2 Holly, 1 Yew and 2 Beech trees within the Walberton Village Conservation Area.	No Objection 02-12-2002
WA/72/03/TC	Surgery to one lime tree and one hornbeam tree within the Walberton Village Conservation Area.	No Objection 12-09-2003
WA/2/09/TC	Fell one Ash tree within the Walberton Village Conservation Area.	No Objection 13-02-2009

REPRESENTATIONS

Representations received:

Awaited.

Comments on Representations received:

None

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's arboriculturist.

Comments that this application has been submitted based on advice from previous Council's arboriculturist.

Conservation Area Advisory Committee

No objection. Refer to Council's arboriculturist.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

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

St. Mary's Church is situated at the end of a narrow rural lane. In this location and given the boundary treatment of high trees and hedging, the churchyard is not easily seen from any public vantage point. The Holly tree lies within the churchyard and does not provide any significant public amenity value. The applicant has commissioned an arboricultural survey and found the tree to be a declining specimen which is self-seeded and is displacing headstones. It is evidently causing damage and is recommended from a planning perspective for removal.

The Council's arboriculturist does not raise an objection on the understanding that the application follows the involvement of the former tree officer in reaching this position with the

department.

It is therefore recommended that no objection be raised to the works.

RECOMMENDATION

NO OBJECTION

- 1 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

- 2 The works hereby approved shall involve the felling of 1No. Holly Tree. All works shall be carried out in accordance with BS3998: 2010 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 3 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.

- 4 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.