

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

REF NO: AL/74/15/TC

LOCATION: St Mary's Church
Church Road
Aldingbourne

PROPOSAL: Fell 1 No. Holly tree within the Church Road Aldingbourne Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to fell the subject holly tree in connection with the Restoration of the War Memorial following an undertaking to Joint District Area Command (JDAC) made in connection with JDAC funding for the restoration of the War Memorial to improve visibility of the War Memorial, particularly from Church Road. The memorial is also to be rededicated.

TOPOGRAPHY

Predominantly flat.

TREES

The churchyard contains a number of fine mature specimen trees. There are trees close to the boundary with the roads to the east and south, although none in proximity to the War Memorial.

The subject tree is in close proximity to the War Memorial and located forward of it. It does significantly, although not entirely, screen the War Memorial.

BOUNDARY TREATMENT

The churchyard boundary in the area of the tree and War Memorial is a flint and brick wall. There are steps and iron gates leading into the churchyard and up to the War Memorial.

SITE CHARACTERISTICS

The site is a churchyard and has been already described in other sections of the report. The area where the War Memorial is located is on a corner and the churchyard level is approximately 1m higher than the land surrounding it.

CHARACTER OF LOCALITY

The tree is located in an area with a mainly rural character and appearance. There are a number of dwellings to the north and west of the Church.

RELEVANT SITE HISTORY

AL/9/99/	Extension of existing vestry to provide kitchen and disabled toilet facilities.	ApproveConditionally 06-05-1999
AL/2/03/	Change of use from agricultural land to graveyard for St Mary's Church, Aldingbourne (Departure from the Development Plan).	ApproveConditionally 07-03-2003
AL/22/86	Erection of timber building on church land used as car park Building to serve as Sunday School/ Church Room	Withdrawn 14-05-1986

None.

REPRESENTATIONS

Representations received:

No comments have been received from the Aldingbourne Parish Council.

No representations have been received from nearby residents or others.

Comments on Representations received:

None.

CONSULTATIONS

Arboriculturist

Consultations responses received:

The Conservation Area Advisory Committee (CAAC) has commented that it regrets the loss of the tree and that the views of the Councils Tree Officer should be sought. The CAAC has also suggested that a replacement tree be planted in an alternative position if the subject tree is to be felled.

The Councils Tree Officer has raised no objection and has commented:

T1 Species: Holly Ilex aquifolium
Height: 8 meters Average
Branch Spread: 2.5 meters
Crown Condition: Poor
Form: Poor
Age Class: Early mature

Comments:

- The tree outlined in this application is located in a conservation area, and is not subject to an active TPO.

- The tree cited in this application is located in the south east corner of the church yard. From the site inspection it is clear that T1 has a poor canopy density. It is also clear from the site inspection T1 has had a series of reductions that were of poor quality. These reductions have had a negative effect on the form and the aesthetic value offered by T1.

- T1 was assessed for TPO protection, and it scored a 6 on the first section of the TEMPO form,

which does mean T1 is not suitable for a TPO order.

Recommendation:

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

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Outside Built Up Area
Conservation Area
Listed Building, Grade I

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 located within a Conservation Area and within the grounds of a Listed Building (the Church), although the Church is approximately 70m away.

In respect of trees in Conservation Orders, National Planning Practice Guidance advises that an

authority's main consideration should be the amenity value of the tree. In addition, authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Even if the tree's amenity value may merit an Order the authority can still decide that it would not be expedient to make one.

In this case, the tree does not merit a TPO. The key issue is the amenity value of the tree balanced against the potential benefit of removal.

The subject tree is on the edge of the Conservation Area and there are many mature trees within the Churchyard, many of which are also located close to/on the boundary. It is not considered that the removal of this tree would result in detriment to the Conservation Area, since a high number of mature trees would remain. The tree is also distant from the Church and as such contributes little if anything to its immediate setting.

Removal of the tree would open up the view towards the War Memorial and improve its setting. At present, the symmetry provided by the wall, steps and gates is lost due to screening by the tree. It is therefore considered that there would be a wider positive contribution to visual amenity and the Conservation Area and that the conservation Area would be preserved and enhanced.

It is considered that the benefits of removal of the tree outweigh any limited harm which might arise from its removal, particularly as the tree is not of good quality.

An informative has been added regarding CASAC comments and replacement.

It is recommended that No Objection be made and that no TPO be made.

RECOMMENDATION

NO OBJECTION

- 1 **INFORMATIVE:** The Conservation Area Advisory Committee has commented that it regrets the loss of the tree and suggested that a replacement tree be planted in an alternative position.
- 2 **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.
- 3 **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

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consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.