

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

REF NO: **AW/116/15/TC**

LOCATION: 29 Kingsway
 Aldwick

PROPOSAL: Fell several Leylandii trees in front garden within the Craigwell House Adwick Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat
TREES	Leylandii trees forming a hedge row.
BOUNDARY TREATMENT	3m hedging.
SITE CHARACTERISTICS	Large two storey detached dwelling house.
CHARACTER OF LOCALITY	Private residential estate, conservation area, large plots with detached dwellings and front gardens and driveways.

RELEVANT SITE HISTORY

AW/79/14/TC	Fell 1 No. Leylandii & lop 2 No. Leylandii by 6.5 metres within the Craigwell House Conservation Area	No Objection 25-04-2014
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REPRESENTATIONS

Representations received:

No response.

Comments on Representations received:

N/A

CONSULTATIONS

Arboriculturist

Consultations responses received:

ARBORICULTURIST

Comments:

- The hedge line cited in this application is located in the front garden of 29 Kingsway, along the western boundary. This hedge line is therefore visible to the public from the main highway outside.
- The hedge line in this application is not covered by a TPO order/s, however this linear belt falls within a conservation area. This application will assess the suitability of this hedge line for a TPO order.
- From the site inspection, it is clear that the cited hedge line is not in good condition, as it does have areas of dieback present throughout the given canopies.
- The cited dieback present on H1 does diminish the aesthetic value offered.

Recommendation:

- I would have no objection to the proposed operation of the felling of this hedge line, as it does not have the attributes to warrant a TPO order/s.

CONSERVATION AREA COMMITTEE

No comment.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Classifications:-

Tree Preservation Order (does not cover these trees)

Conservation Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY 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 trees subject of this application have been inspected by the Council's Tree Officer who has stated that whilst the trees are visible from the public highway, they are in poor condition and do not add to the appearance of the conservation area.

As the trees are in poor health and showing signs of dieback they are not suitable for TPO orders and he has no objection to the felling of both of them.

Therefore, in accordance with the comments of the Council's Tree Officer it is recommended that no objection is raised in relation to the proposed felling of these trees.

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.