

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** **AW/119/12/TC****LOCATION:** Kings Lawn
 38 Kingsway
 Aldwick**PROPOSAL:** Fell 1no. Cherry tree within the Craigweil House Conservation Area, Aldwick**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree the subject of this application and various mature trees within the vicinity of the application site.
BOUNDARY TREATMENT	1.5 metre white picket fence to front and side boundaries supplemented by hedging in places.
SITE CHARACTERISTICS	Two storey detached modern dwelling faced in white render. Corner plot fronting onto Kingsway and Queensway.
CHARACTER OF LOCALITY	Craigweil House Conservation Area comprising a private residential estate of large detached dwellings in substantial plots in a tree lined avenue with grass verges.

RELEVANT SITE HISTORY

AW/161/06/T	Surgery to 1no. English Oak tree and fell 1no. Yew tree.	Refused 30-08-2006
AW/14/11/T	Cut back new growth of up to 100mm to 1 No Yew tree	Approve Conditionally 04-03-2011
AW/36/11/TC	Reduce and reshape Lleylandii hedge; reshape 3 No Cypressus Macrocarpa; reshape 1 No Leylandii tree; reduce 1 No small Fir tree within the Craigweil House Conservation Area	No Objection 14-03-2011
AW/89/11/T	Reduce 3 No Yew trees by 20%	Approve Conditionally 24-05-2011

REPRESENTATIONS

Representations received:

Comments awaited.

Comments on Representations received:

Awaited.

CONSULTATIONS

Council's Arboriculturalist

Conservation Area Advisory Com

Consultations responses received:

Arboriculture: No objection. I visited the site yesterday and found the Cherry [Tree] barely visible from the highway. I do not consider this as having special characteristics or contributing significantly to public amenity. Therefore, I would not object to the proposed tree work.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

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

The Cherry Tree is located within the front garden of the application property and is barely visible

from the highway along Kingsway and Queensway. The tree is approximately 10-15 years and is not considered to contribute significantly to public amenity.

The notification seeks to fell the tree, as it is diseased with honey fungus. The Council's Arborist has inspected the tree and considers that it does not possess special characteristics or contributes to public amenity.

It is therefore recommended that no objection is raised to fell the tree or 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 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.