

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

**REF NO:**        **AW/138/15/TC**

**LOCATION:**    5 The Ridings  
                 Aldwick

**PROPOSAL:**   Fell 1 no. Laburnum tree within the Aldwick Bay Conservation Area.

**SITE AND SURROUNDINGS**

|                                       |                                                                                                                                                                          |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | As above                                                                                                                                                                 |
| SITE AREA                             | N/A                                                                                                                                                                      |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A                                                                                                                                                                      |
| TOPOGRAPHY                            | Predominantly flat                                                                                                                                                       |
| TREES                                 | The Laburnum tree the subject of this notification.                                                                                                                      |
| BOUNDARY TREATMENT                    | Front is open with paved driveway and established shrubs.                                                                                                                |
| SITE CHARACTERISTICS                  | Detached two storey property with integral garage and front porch. The property has a thatched roof with brick and rendered walls painted white and white window frames. |
| CHARACTER OF LOCALITY                 | Within the Aldwick Bay Conservation Area. Private residential estate comprising predominantly detached properties of various styles and designs.                         |

**RELEVANT SITE HISTORY**

|              |                              |                                    |
|--------------|------------------------------|------------------------------------|
| BR/1100/72/T | Pruning of one chestnut tree | ApproveConditionally<br>30-01-1973 |
|--------------|------------------------------|------------------------------------|

**REPRESENTATIONS**

**Representations received:**

Aldwick Parish Council  
Awaited

**Comments on Representations received:**

None

**CONSULTATIONS**

Arboriculturist  
Conservation Officer

**Consultations responses received:**

Tree Officer  
T1 Species: Common Laburnum  
Height: 5 metres, Average branch Spread: 2.5m, Crown Condition: Poor, Form: Poor, Age Class Mature

The tree that has been highlighted in this application is standing in the front garden of 5 The Ridings.

The tree in question is not covered by an active TPO; however, it is sited in a Conservation Area.

At the time of the site inspection T1 had actually been felled. This is due to the applicants concerns of possible collateral damage occurring to users of the highway outside The Ridings. Given the condition of the remaining stump (large area of cubic rot) I am happy this action was undertaken because of a clear perceived risk.

Due to this decay and the expected low retention span, T1 would not be suitable for a TPO.

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

Conservation Officer  
Awaited

**Comments on Consultation responses:**

None

**POLICY CONTEXT**

Designation applicable to site:

Built Up Area Boundary  
Within the Aldwick Bay Conservation Area  
Area of Special Control for Advertisements  
Tree Preservation Order 2/58

**DEVELOPMENT PLAN POLICIES**

[Arun District Local Plan 2003:](#) AREA2

Conservation Areas

[Publication Version of the Local Plan \(October 2014\):](#)

HER DM3 Conservation Areas

**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 Laburnum tree sited to the front of the site was not covered by a Tree Preservation Order but is within the Aldwick Bay Conservation Area.

At the time of the officer's visit the tree had been felled and the only evidence was a stump. The applicant was concerned that the tree overhanging the public highway was in danger of falling due to its diseased state. On inspection of the stump by the Tree Officer he has confirmed that there was a large area of cubic rot and he was of the opinion that felling of the tree was in this instance the right course of action.

He has confirmed that the tree would not have warranted a Tree Preservation Order and therefore no objection is to be raised.

**RECOMMENDATION**

**NO OBJECTION**