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

REF NO: **AW/156/15/TC**

LOCATION: 37 The Drive
Aldwick

PROPOSAL: Fell 1 No. Apple tree & 1 No. Willow tree within the Craigweil House 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 Apple & Willow tree the subject of this notification.
BOUNDARY TREATMENT	Front has wooden fencing with established hedging approximately 1.5m in height, rear and side boundaries close boarded fencing with established hedging approximately 2m in height.
SITE CHARACTERISTICS	Detached two storey property with integral garage. The property has rendered walls painted white, red tiled roof with white window frames.
CHARACTER OF LOCALITY	Within the Craigweil House Conservation Area and Area of Special Character. Private residential estate comprising predominantly detached properties of various styles and designs, some of notable character.

RELEVANT SITE HISTORY

Works to the Oak tree to the front of the site is the subject of a separate application AW/164/15/T.

REPRESENTATIONS

Representations received:

Aldwick Parish Council
Awaited

Comments on Representations received:

CONSULTATIONS

Arboriculturist
Conservation Officer

Consultations responses received:

Tree Officer
T1 Species: Willow Salix spp Height: 10 meters Average Branch Spread: 3 meters Crown Condition: poor Form: poor Age Class: semi mature.

T2 Species: Apple malus spp Height: 7 meters Average Branch Spread: 3.5 meters Crown Condition: poor Form: fair to poor Age Class: mature.

The trees outlined are situated in a conservation area and the Oak tree the subject of a separate application AW/164/15/T is subject to a TPO.

For T1, the applicant has applied to fell this tree and remove the arising's. From the site inspection it is clear that T1 is in a failing condition, with an expected retention span of less than 10 years. It also cannot be seen from public gaze.

For T2, the applicant has applied to fell this tree and remove the arising's. From the site inspection it is clear that T2 is also in a failing condition, with an expected retention span of less than 10 years. Like T1, T2 cannot be seen from public gaze.

For T1 and T2, I would have no objection to the felling of these trees as they do not have the attributes to warrant TPO orders

Conservation Officer
Awaited

Conservation Area Advisory Committee
No objection

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Conservation Area
Area of Special Character
Article 4 Direction
Tree Preservation Order
No Public Sewer

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 Oak tree sited to the front of the site is the subject of a separate application AW/164/15/T.

The Apple and Willow tree are sited in the rear garden and are not considered to be of public visual amenity value. The trees dominate the rear garden causing excessive shading and the notification seeks to fell both trees.

The Willow tree has been pruned in the past but is in poor form and is being suppressed by the canopy of the Hornbeam. The Apple tree although pruned in the past has been unmanaged for many years and has been left in an ugly condition. There is a low branch that is dead and the tree shows signs of dieback. The applicant has stated that a replacement fruit tree will be planted in lieu of the Apple tree.

The Tree Officer has inspected the trees and has raised on objection to the felling. It is therefore recommended that no objection be raised 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.