

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT**REF NO:** AW/159/11/TC**LOCATION:** The White House
24 Kingsway
Aldwick**PROPOSAL:** Crown reduction by 50% to 1 No Eucalyptus tree and crown reduction by 50% to 1 No Holly tree within the Craigweil House Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Detached two storey property with conservatory on rear. Detached garage on side with tarmac driveway, wooden summer house in rear garden. The property has white painted brickwork, red tile hanging on rear with white window frames.
CHARACTER OF LOCALITY	Private residential estate within the Craigweil House Conservation Area. Mixture of detached properties of various styles and designs.

RELEVANT SITE HISTORY

AW/160/91/T		Approve Cond 04-11-1991
AW/73/11/TC	Various tree surgery to include felling of 4 trees within the Craigweil House Conservation Area.	No Objection 10-05-2011

REPRESENTATIONS**Representations received:**

Aldwick Parish Council

No objection: Members agreed that the Arun Arboriculturist is consulted regarding this application and that his professional recommendations/decision is applied.

2 letters of objection: No tree surgery due to possible nesting birds.

The trees form a significant public amenity that has existed for many years. 4 trees have been allowed to be felled from this address under AW/73/11/TC together with other trees on the boundary.

The Eucalyptus appears to have a narrow trunk and not to be subject of the blanket TPO.

The Holly trees was massively lopped from top to bottom in the last 2-3years which distorted the tree.

Reduction of any tree by 50% is considered to be excessive, and would cause severe harm to the trees which have already been neglected for a number of years - but cannot justify desperate measures of damaging topping in one operation.

The Councils Arboriculturist should inspect the trees and report to the Case Officer.

Subject to the Arboriculturist views, the application should be refused.

Comments on Representations received:

Response to Parish Council:

Parks & Greenspaces are always consulted on tree applications. Further, the responsibility of tree assessment is duelled between the tree officer and the planning officer - both of who are professional.

Response to the letters of objection:

Trees can have work undertaken on them even in the nesting season, but the tree has to be properly assessed to be sure that none are nesting in the tree in question.

The responsibility of the trees is duelled between the tree officer and the planning officer.

It is not considered that the Eucalyptus or the Holly form such significant public visual amenity as to justify them being made the subject of a TPO.

CONSULTATIONS

Council's Arboriculturist

Conservation Officer

Conservation Area Advisory Com

Consultations responses received:

Parks & Greenspaces: Eucalyptus not readily noticeable not worthy of a TPO. The Holly tree has been misshapen by hard pruning from the East in previous years to make it look odd and asymmetric. To restore its appearance a reduction in height may allow for the proportions to be addressed and enhance its appearance. Therefore the proposal to carry out the height reduction would be considered appropriate in the circumstances and an opportunity to create something attractive in the landscape.

Conservation Area Advisory Committee: Query the necessity to reduce 50% of holly tree. Would welcome photos.

Comments on Consultation responses:

Comments noted. The application is not to consider the type/amount of work being undertaken per se, it is to make an assessment as to whether the tree(s) are worthy of a TPO, and if they are, to make them the subject of a TPO. The legislation does not require applicants to submit photographs of the trees.

POLICY CONTEXT

Designation applicable to site:

Within the built-up area

Conservation Area

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

TREES CA

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

An application to undertake works to the trees is required as the trees are within a Conservation Area, and it is the requirement of the Local Planning Authority to assess whether the trees are worthy of being placed under a Tree Preservation Order or not.

It is considered that neither of the trees form significant public visual amenity to warrant a tree preservation order.

It is therefore recommended that no objections be raised to this application.

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.