

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

REF NO: **AW/176/15/TC**

LOCATION: 74 The Fairway
 Aldwick

PROPOSAL: Fell 1No. Conifer tree & crown reduction of 1No. Lilac & 1No. Beech tree by approx. 2 metres within the Aldwick Bay Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	670m2
TOPOGRAPHY	Predominantly flat
TREES	Various trees in front garden, including those subject to this application and one tree on verge to front of property owned by Aldwick Bay Estate.
BOUNDARY TREATMENT	0.5m dwarf wall boundary treatment to front and other than the trees which form part of the application. 1.5m wooden fence to side.
SITE CHARACTERISTICS	Two storey detached dwelling with driveway and garden to front.
CHARACTER OF LOCALITY	Private suburban residential estate, seaside location. Area formed mainly of two storey detached dwellings, set back from the road with gardens and driveways to front.

RELEVANT SITE HISTORY

No relevant planning history.

REPRESENTATIONS

Representations received:

No response from Parish Council.

Comments on Representations received:

N/A.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Conservation Area Committee- No objection.

Arborist

Comments:

- The trees outlined in this application are standing in a conservation area. The trees are not subject to TPO orders.
- From the site inspection, it is clear that T1 is growing next to the onsite driveway which is clearly having a direct impact and lifting the paving present. Also from the site inspection it is clear that the eastern side of T1 is preventing full vehicle access to the driveway.
- Also from the site inspection it is clear that T2 and T3 have had some previous reduction/s and/or management. The applicants request to reduce T2 and T3 by 2 meters would be similar to previously actioned pruning operations.

Recommendation:

- I would have no objection to the proposed felling of T1 and the proposed reductions to T2 and T3, as all the cited trees do not have the attributes to warrant a TPO order/s.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Classifications:-

Adopted Local Plan
Tree Preservation Order
Conservation Area
Building of Special Character

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 Council's Arborist has been consulted and has no objection to the felling of the conifer tree as it is reducing access to the driveway, lifting the concrete and is not worthy of a TPO. He also feels the crown reduction to the Lilac and Beech tree are acceptable as they are also not worthy of TPOs.

It is considered that the removal of the conifer tree and crown reductions to the Lilac and Beech would preserve the appearance of the street scene and conservation area in terms of visual amenity.

The application is recommended as no objection.

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.