

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (

REF NO: **AW/196/15/T**

LOCATION: Twitten between
 1 & 2 The Byeway
 Aldwick

PROPOSAL: Fell 1 No. Tamarind tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat
TREES	Various trees on site including the Tamarind tree as part of this application.
BOUNDARY TREATMENT	1.8m red brick wall.
SITE CHARACTERISTICS	Two storey detached house with driveway to front and garden to rear backing onto the beach.
CHARACTER OF LOCALITY	Suburban-residential location. Seaside location.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Refer to arboriculturalist.

Comments on Representations received:

None

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

ARBORIST

·The tree outlined in this application is located in a pedestrian lane that links the Aldwick bay estate to the beach.

·It is clear from the site inspection that T1 is growing very close to a boundary wall (which according to the submitted application requires replacing). It is also clear that T1 is now having

a direct impact on the neighbouring boundary wall.

·Also T1 had a clear major defect in the basal area, which is likely to lead to a destabilisation of T1 and the decay extends.

·It is also clear from the site inspection that there is not a suitable area to replant in the vicinity of T1.

Recommendation:

·I would have no objection the felling of T1, as the decay present and proximity of the boundary wall would indicate a low retention span, with an elevated perceived risk.

·Considering there is no suitable area for replanting a replacement for T1, I would suggest a direct replacement is not required in this situation.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Classifications:-

Adopted Local Plan
Tree Preservation Order
Special Control Adverts
Conservation Area

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 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity

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 objections to the felling of the Tamarind, given it already has damage and decay. He also feels that a re-plant of the tamarind is not required.

The tree is small and does not add significantly to the visual amenity of the area as such there is no objection to the felling of the tree in terms of visual amenity.

The application is recommended for approval.

RECOMMENDATION

APPROVE

- 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.