

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

REF NO: **AW/23/14/TC**

LOCATION: 11 Larchfield Close
 Aldwick

PROPOSAL: Fell 3 no. Sycamore saplings from bank of drainage ditch within the Aldwick (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	The Sycamore saplings the subject of this notification but various trees within the site and surrounding area.
BOUNDARY TREATMENT	Open to the highway, close boarded fencing to sides and rear.
SITE CHARACTERISTICS	Detached two storey property with single storey extension on side and detached garage, conservatory on rear. The property has red brickwork, white window frames with a concrete tiled roof.
CHARACTER OF LOCALITY	Residential comprising two storey detached and detached bungalows in close.

RELEVANT SITE HISTORY

AW/46/96/T	Lop 1 Ash, 2 Oak and 2 Sycamore trees	ApproveConditionally 03-05-1996
AW/18/11/T	Lopping of new branch growth on two lower limbs to 1 No English Oak tree	ApproveConditionally 28-02-2011

REPRESENTATIONS

Representations received:

Aldwick Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer
Council's Arboriculturist

Consultations responses received:

Conservation Officer
Awaited

Consultant Arboriculturist

General Observation - Whilst on site the owners pointed out a Leyland Cypress in an adjacent garden at the top of the ditch (probably 27 Kingsway) that had clearly moved in the storms and now rests in other trees - if it fell it would hit their conservatory causing significant damage. I recommended that as a matter of urgency they call on the owners to see if they would be prepared to remove it at the earliest opportunity on the grounds that it was in a dangerous condition. I also advised that the trees owners should not wait to seek Council approval as it is covered under the exemption clause in the Act - but that they would subsequently need to notify the planning department of their actions as soon after they had felled the tree as possible so that records could be amended and to comply with the legislation.

I approve of the works as described and I see no reason to apply a TPO to control them or secure replacement plantings.

Conservation Area Advisory Committee
No comment.

Comments on Consultation responses:

Arborist comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Trees are sited in ditch which is within the Craigweil House Conservation Area

DEVELOPMENT PLAN POLICIES

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

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

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

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 3 no. Sycamore saplings which are the subject of this notification are not old enough to be covered by the blanket Tree Preservation Order 2/58.

The trees are sited in the ditch to the rear on the westerly boundary of No 11 Larchfield Close.

A site inspection has been carried out by the Arboriculturist who has raised no objection to their removal as they are not considered to be worthy of a Tree Preservation Order and replacement trees are not appropriate in this location.

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.