

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** **AW/259/17/TC****LOCATION:** 45 The Drive
Aldwick**PROPOSAL:** Height Reduction to 8No. Leylandii, 3No. Golden Crest by 0.1m. Height Reduction of 1No Beech, 1No. Ginkgo Bilboa & 1No. Rowan by 0.6m within Craigweil House, Aldwick conservation area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 45 The Drive, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/16/87/T	Lopping and pruning of 8 Horse Chestnut trees (felling of one Horse Chestnut tree previously approved under BR/903/84T)	ApproveConditionally 16-02-1987
AW/47/90/T	Lop and Top Ash Tree (Kingsway), Top 2 Horse Chestnut Trees (Queensway), Lop and Top one Beech Tree and one Lime Tree and fell one Oak Tree (The Drive).	ApproveConditionally 14-05-1990
AW/160/91/T		ApproveConditionally 04-11-1991
AW/135/92/T	Fell one ash tree. Lop 2 maples and lop and thin 1 thorn, 1 sorbus and 3 chestnuts	ApproveConditionally 25-09-1992
AW/46/93/T	(1) Fell 1 Maple tree, (2) Crown reducing of 1 Holly Oak, (3) Fell 1 Oak and crown reducing of 1 Horse Chestnut,	ApproveConditionally 21-05-1993
AW/144/94/T	Deadwood 1 Yew tree in south west corner of garden and one Beech tree on adjoining property.	ApproveConditionally 19-12-1994
AW/12/96/T	Surgery to various trees	Withdrawn 25-03-1996
AW/171/97/T	Fell two sycamore trees and one yew tree, lop	ApproveConditionally

AW/259/17/TC

	one sycamore tree, raise and reduce crown of one yew tree	14-11-1997
AW/21/99/T	Works to one Chestnut Tree (trim one branch back to trunk)	ApproveConditionally 26-03-1999
AW/223/05/T	Remove one years growth from three domed yew hedges.	ApproveConditionally 10-11-2005
AW/161/06/T	Surgery to 1no. English Oak tree and fell 1no. Yew tree.	Refused 30-08-2006
AW/14/11/T	Cut back new growth of up to 100mm to 1 No Yew tree	ApproveConditionally 04-03-2011
AW/36/11/TC	Reduce and reshape Lleylandii hedge; reshape 3 No Cypressus Macrocarpa; reshape 1 No Leylandii tree; reduce 1 No small Fir tree within the Craigweil House Conservation Area	No Objection 14-03-2011
AW/89/11/T	Reduce 3 No Yew trees by 20%	ApproveConditionally 24-05-2011
AW/119/12/TC	Fell 1no. Cherry tree within the Craigweil House Conservation Area, Aldwick	No Objection 12-06-2012
AW/225/13/T	Cut back up to 100mm all round from 1No Yew tree	ApproveConditionally 28-10-2013
AW/237/13/TC	Various surgery to 3 No. Golden Crest & 1 No. Leylandii within the Craigweil House Conservation Area	No Objection 28-10-2013
AW/335/13/T	Various surgery to to 1x Hornbeam tree, 4 x Yew trees & 1 x Oak tree	Refused 10-02-2014
AW/105/14/T	Reduce North & East lateral spread of 1 No. Hornbeam by 2 metres & North East lateral spread by 4 metres. File Scanning Completed DP	ApproveConditionally 14-05-2014
AW/128/15/T	Reduce lateral spread of lower halves by 1-1.5m to 3 No. Yew trees this season & reduce height of upper half by 1.5-1.8m to same 3 No. Yew trees.	ApproveConditionally 23-06-2015
AW/313/16/TC	Re-shape by removing new growth to a hedge comprising 7No. Leylandii, re-shape 4No. Golden Crest & 1No. Leylandi by 100mm of new growth within the Aldwick (Craigweil House) Conservation Area.	No Objection 25-11-2016

AW/304/16/T	Re-shape by cutting back new growth of up to 100mm all round dome shape & raise crown to 300mm from ground level.	Approve 25-11-2016
AW/272/17/T	Crown Reduction to 0.1m and Crown Raise of 0.3m to 1No. Yew tree.	Approve 19-10-2017
BR/113/53/K	Felling of trees	Approve 04-02-1966
BR/905/80/T	To lop 7 horse chestnuts top one oak and fell one lime	ApproveConditionally 21-01-1981
BR/903/84/T	Felling of 24 Limes 11 Horse Chestnuts 1 Ash 2 Cherry 2 Sycamore trees and 1 Whitebeam tree 10 various types lopped	Approve in Part 17-04-1985

No relevant planning history.

REPRESENTATIONS

Representations received:

Parish Council -

CAAC - No comment.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

Various Species as listed in Notification Avge Height -5m Avge Spread -1m Avge Age - Semi-mature

- Small trees that collectively contribute and enhance the Conservation Area.
- Some could be worthy of a TPO in time as they grow and develop into specimens but there is no threat to the trees at the present time so not reason to apply one.

Conclusions:

- The works proposed will address the issue of controlling growth habit and keeping the tree in balance with the size of the garden.
- These are standard and minor pruning works that do not threaten the amenity value of the plant collection in this garden.

Recommendations:

- I raise NO OBJECTION to these works and see no reason to apply a TPO to control or prevent them from taking place.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Private Street
Conservation Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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

Following the comments of the tree officer it is recommended that no objection be raised.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest

and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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.