

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

REF NO: **AW/287/14/TC**

LOCATION: 237 Manor Way
 Aldwick

PROPOSAL: Reduce 1 no Oak Tree by 1m all round and reduce 4 no Birch Trees by 1.5m in height within the Aldwick Bay Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	Rear boundary has hedging approximately 2.5m-3m in height, side boundaries close boarded fencing with hedging approximately 2m in height.
SITE CHARACTERISTICS	Detached two storey dwelling with single storey extension on side, conservatory on rear. The elevations are a mixture of white render, red herringbone brickwork with tudor affect detail on the upper level.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area. Private residential estate comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

AW/236/12/TC	Fell 1no. Weeping Birch (Betula Youngii) within the Aldwick Bay Estate Conservation Area	No Objection 29-10-2012
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REPRESENTATIONS

Representations received:

Aldwick Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Tree Officer

Species: Oak Quercus spp Height: 10 meters Average Crown Spread: 4 meters Crown Condition: fair Form: fair Age Class: Juvenile

Species: 4 x Birch betulus spp Height: 12 meters (average) Average Crown Spread: 3 meters (average) Crown Condition: good Form: fair Age Class: mature

The outlined trees in this application are situated in the in the high amenity area of Aldwick bay Estate. The surrounding landscape of this private estate has a rich mix of trees of varying age classes and of a differing species mix. The trees cited are located in the front and back garden of 237 Manor way.

The trees in this application are in a conservation area and not TPO'ed. This report will be to determine if TPO status is required for the benefit of the given individual.

The single oak (situated in the front garden of the outlined property) has clearly had a heavy reduction historically (this can be seen in the crown structure). The proposed operation will see a 1 meter reduction of this regrowth, which itself is currently 3 meters of lateral extension. As this operation is likely to increase the retention span of the given tree (as the old pruning unions are more likely to experience failures if the regrowth is left unchecked) it would be unsuitable to seek a TPO order.

As for the 4 birch trees located in the rear garden of this property, it is apparent these individuals have been regularly pruned to the established height that has been applied for in this application. (this can be determined as the size of the limbs below the established pruning point are large, compared to the 1.5 meters of small diameter regrowth that is above the established pruning points. As this operation is likely to reduce the chance of failures occurring at the pruning points (and leaving open wounding) I would not see in necessary to seek a TPO order.

I would therefore have no objection to the proposed operations, as they are likely to be beneficial to the overall health and vitality of the given individuals. Moreover the proposed operations would not indicate these individuals would require a TPO order to force conditions upon the applicant.

Conservation Officer

Awaited

Conservation Area Advisory Committee

No objection.

Comments on Consultation responses:

Tree Officer comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Within the Aldwick Bay Conservation Area
Tree Preservation Order 2/58

DEVELOPMENT PLAN POLICIES

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

Conservation Areas

Publication Version of the Local
Plan (October 2014):

HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under References ID 36-090-20140306 and ID36-091-20140306, 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 application seeks to reduce an Oak tree all round by 1m and and reduce four Birch trees by 1.5m.

The Oak tree is sited in the front garden and is readily visible in the street scene being of public visual amenity. The Birch trees are sited in the rear garden on the north east boundary and are not readily visible to the front of the site.

The Tree Officer has inspected the trees which are not covered by a Tree Preservation Order. The Oak tree has previously been reduced and he has raised no objection to the pruning operation. The Birch trees have been regularly pruned and the pruning operation will keep them to the same height as previously pruned.

The pruning works will benefit the overall health and vitality of the trees and 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.