

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

REF NO: AW/289/14/TC

LOCATION: 68 The Drive and
verge at front of 68 The Drive
Aldwick

PROPOSAL: Fell 1 No Holly tree, 1 No Lawson Cypress tree and 1 No Holm Oak tree within the
Craigweil House 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 mature trees within and around the site
BOUNDARY TREATMENT	Front boundary has wall approximately 1.8m in height, grass verge on roadside.
SITE CHARACTERISTICS	Detached two storey property with brick and tile hung elevations, tiled roof and white window frames.
CHARACTER OF LOCALITY	Within the Craigweil House Conservation Area. Private residential estate comprising detached properties on large plots of various styles and designs.

RELEVANT SITE HISTORY

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/77/95/T	Removal of deadwood and die back to 3 No. Oak trees	Approve 14-07-1995
AW/253/08/T	Surgery to two Oak trees	ApproveConditionally 08-01-2009
AW/27/12/T	Fell 1 No Horse Chestnut Tree	ApproveConditionally 30-03-2012

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REPRESENTATIONS

Representations received:

Aldwick Parish Council

Members strongly objected to the proposed application on the grounds that the tree is healthy and no valid reason for felling has been given. Members considered that pruning would represent good husbandry.

Comments on Representations received:

Parish Council comments noted

See Tree Officer's recommendation.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Tree Officer

T1 Species: Holly *Ilex aquifolia* Height: 12 meters Average Crown Spread: 2.5 meters Crown Condition: fair Form: fair Age Class: semi mature

T2 Species: Lawson Cypress *Chamaecyparis lawsoniana* Height: 7 meters Average Crown Spread: 1 meters Crown Condition: poor Form: fair Age Class: juvenile

T3 Species: Holm oak *Quercus ilex* Height: 8 meters Average Crown Spread: 2 meters Crown Condition: poor Form: poor Age Class: juvenile

T2 is growing on a grass verge that abuts the main highway outside the front of 68 the drive. T3 is sited behind the front boundary and T1 is growing near the western boundary in the front garden.

The trees are situated in a conservation area, so the purpose of this report is to judge suitability of these individuals for a TPO order.

T1 - this tree has evidently had some poor pruning historically, and the result of this is the trees form has been negatively affected. This tree did not score high enough to justify the application of a TPO order.

T2 - is a tree that has a poor crown density and formation. This individual has also obviously suffered suppression from neighbouring trees. This has had a negative impact on the condition and the aesthetical value of said tree. This tree therefore did not score high enough to justify the application of a TPO order.

T3 - is another tree that has suffered some particularly bad pruning techniques. This has dramatically affected the form, and has caused this tree to lose its apical dominance. This tree therefore did not score high enough to justify the application of a TPO order.

It would therefore be my recommendation that outlined trees T1 - T3 are not suitable for a TPO order. The owner is therefore free to complete any works as they see fit.

Conservation Officer
Awaited

Conservation Area Advisory Committee
Objection - refer to Tree officer for confirmation.

Comments on Consultation responses:

Comments noted
See Tree Officer's recommendation.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Within the Craigweil House Conservation Area
Art 4 Direction
Tree Preservation Order
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>AREA2</u>	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 notification seeks to fell a Holly, Conifer and Holm Oak tree that are sited on the grass verge and within the grounds of 68 The Drive.

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The Lawson Cypress tree is sited on the grass verge and the Holm Oak tree behind the front boundary wall. The Holly tree is sited on the western side in the front garden adjacent to the path and opposite an Oak tree. The trees although visible within the street frontage are not considered to be of significant public visual amenity.

The Tree Officer has inspected the trees which have suffered bad pruning in the past and this has affected the shape and form. They are not considered to be of any merit to justify the making of a Tree Preservation Order.

It is therefore recommended that no objection be raised to the felling of the trees 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.
- 3 **INFORMATIVE:** As two of the trees are sited within land not within the control of the applicant permission should be obtained from the land owner Craigweil Private Estate Ltd to fell the trees.