

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

REF NO: **AW/307/14/TC**

LOCATION: 12 The Drive
 Aldwick

PROPOSAL: Fell 4 Lawson Cypress trees within the Craigweil House Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Lawson Cypress trees the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	Wooden ranch fencing to front and sides.
SITE CHARACTERISTICS	Detached bungalow with detached double garage to front and tarmac driveway. The property has reddish/brown brickwork, red tiled roof with white window frames.
CHARACTER OF LOCALITY	Within the Craigweil House Conservation Area. Private residential estate comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Members agreed that the Arun Arboriculturist is consulted regarding the application and that his recommendations/decision is applied.

Comments on Representations received:

Parish Council comments noted

See Tree Officer's recommendation.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Tree Officer

T1 - T3 Species: Lawson Cypress *Chamaecyparis lawsoniana* Height: 6 meters Average Crown Spread: 1 meter Crown Condition: poor Form: fair Age Class: semi mature Height to First branch: 0.5 meters

T4 Species: Lawson Cypress *Chamaecyparis lawsoniana* Height: 9 meters Average Crown Spread: 1 meter Crown Condition: poor Form: fair Age Class: semi mature Height to First branch: 0.5 meters

Outlined tree lies in the conservation area of Aldwick, which high amenity landscape with young, semi mature, mature, and over mature trees specimens present.

As these trees have no active TPO protection, this report will determine if the trees are suitable for TPO status. All four outlined trees are located in the front garden of 12 the drive, Aldwick. This therefore means all four trees can be seen from the highway outside.

T1 - T3 are all smaller trees that are in poor condition, showing large amounts of die-back occurring in the crowns. This has affected the aesthetical value offered by these cited trees. All three trees scored under 8 of the TEMPO form, and therefore would not be suitable for a TPO order.

T4 is slightly larger than trees T1 - T3. It too has die-back across the crown. This also means this tree has poor overall condition and the aesthetical value offered. This tree scored a 9 on the TEMPO form, so would not be suitable for a TPO order.

As the outlined trees are not suitable for a TPO order, I have no objection to this application.

Conservation Officer
Awaited

Conservation Area Advisory Committee
Is there a necessity to remove trees. Refer to Tree Officer for confirmation.

Comments on Consultation responses:

See Tree Officer's recommendation.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Conservation Area
PDR Open Plan Condition
Tree Preservation Order
Right of Way
Article 4 Direction
No Public Sewer

DEVELOPMENT PLAN POLICIES

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

The Lawson Cypress trees are sited in the front garden and are visible in the street but are not considered to be of significant public visual amenity.

The application seeks to fell the trees as the crowns are showing signs of die back and overall they are in a poor condition. The Tree Officer has inspected the trees and has stated that they are in poor condition and not worthy of a Tree Preservation Order.

It is therefore recommended that no objection be raised to the felling 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.