

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** **AW/315/17/TC****LOCATION:** Various Locations
 Kingsway, Wychwood Walk, Queensway
 Aldwick**PROPOSAL:** Fell 1 No. Maple tree, 1 No. Cherry tree & various other tree works within the
 Craigweil House Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located in various locations within Craigweil House Conservation Area, 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/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/165/92/T	Fell one oak	ApproveConditionally 11-12-1992
AW/42/96/T	Surgery to various trees	ApproveConditionally 15-05-1996
AW/160/00/T	Surgery to 1 Ash, 1 Poplar, 2 Beech and 5 Horse Chestnut Trees.	ApproveConditionally 05-10-2000
AW/207/02/T	Felling of 1 no. mature Horse Chestnut tree and stump removal.	Withdrawn 30-10-2002
AW/18/06/T	Fell dying and decayed Hawthorn trees to ground level and grind out stumps.	ApproveConditionally 12-04-2006

AW/189/07/T	Lop overhanging lower limbs of 1 No. Macrocarpa tree.	Refused 04-09-2007
AW/77/08/T	Surgery to various trees	Withdrawn 10-06-2008
AW/193/13/T	Fell 1 No. Purple Plum Tree, fell 1 No. Malus and fell 1 No. Hawthorn	ApproveConditionally 15-10-2013

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Parish Council - No comment.

CAAC - No comment.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Tree Officer:

T1 Dead/Dying Maple - o/s 44 Kingsway

- This tree is in a state of terminal decline and should be removed for health and safety reasons.

T2 Dead Cherry - o/s 40 Kingsway

- This tree is dead and should be removed for health and safety reasons.

T3 Magnolia & Liquidambar - either side of driveway to Brus Lodge Kingsway

- Removing four branches from each tree will crown lift them in a balanced manner and clear the obstruction to access.

- These are not large branches and this practice is common to train and shape street trees to avoid conflict with road users and pedestrians.

T4 White Poplar o/s 25 Kingsway

- Pruning off the sucker/epicormic growth from the main stem is standard practice and will not harm the tree or undermine its visual amenity value.

T5 Horse Chestnuts in verges of Queensway

- The largest tree on the corner of Queensway where it meets Kingsway is a TPO'd tree - but the works proposed to remove deadwood and dieback are permitted under the exemption clause - however live growth may not be pruned back without a formal TPO application being submitted. In this instance they only seek to remove deadwood and dieback.

- Horse Chestnut outside No 43 Queensway - the easterly growth growing towards the property is to be pruned back by 2m and there is a branch with weak union at 3m from ground on the

east side of the tree which is to be reduced by 3m to 4m for safety reasons.

T6 Malus on east verge of Wychwood Close just south of the roundabout

- There is a tight fork in the main trunk which has been further weakened by high sides vehicles brushing past it so they propose to reduce the height of this tree by 2m to stabilise and make safe.

Conclusions:

- The pruning works proposed for these trees equates to good husbandry for health and safety reasons.

Recommendations:

- I raise No Objection to the works as listed and would not recommend that a TPO is made in this instance to seek to prevent or control the works.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

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.