

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

REF NO: **AW/330/14/TC**

LOCATION: 23 Wychwood Close and 39 Kingsway
 Craigweil
 Bognor Regis

PROPOSAL: T1 - Fell dying Cherry Tree & T2 - Fell dead Sorbus on verge

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The trees the subject of this application.
BOUNDARY TREATMENT	Various.
SITE CHARACTERISTICS	Grass verges forward of the primary elevation of the properties.
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

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Decision: NO OBJECTION

Members agreed that the Arun Arboriculturist is consulted regarding the application and that his recommendations/decisions are applied. Members requested that the recommendations made by the Arun Tree Company Ltd to replace the felled trees are made a condition.

Comments on Representations received:

Comments noted. Please note that these trees are not covered by a TPO as such conditions cannot be attached to the decision.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Council's Tree Officer:-

Comments:

- Outlined tree lies in the conservation area of Aldwick Bay, high amenity landscape with young, but mainly semi mature, mature, and over mature trees specimens present.
- T1 is showing excessive abiotic damage mainly in the basal area (this does appear to have been caused by a vehicle hitting the stem), but also some further damage ascending the main stem towards the crown. The damage in the basal area is significant, and has caused major cankering to affect the crown. There is evidence of sizable areas of die-back in the reduced crown. These cankers can be attributed to the abiotic damage sustained on this individual.
- T5 is an individual that is also showing abiotic damage in the basal area (which does appear to have been caused by a mower/trimmer). There is also a section of the cambium/bark layer 'flaking' off the main stem at the main union at 1.5 meters. This tree is in a bad condition, and is unlikely to make a recovery considering the damage sustained.

Recommendation:

- T1 - I would have no objection to the operation of the felling of T1, as it has poor aesthetic value, and has clearly has a retention span that has been drastically reduced.
- T5 - I would also have no objection to the felling of this tree, as it has also has very poor aesthetic value, and also the 'flaking' cambium and bark would indicate this tree is unlikely to make a recovery.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to the site:-

Article 4 Direction

Adopted Local Plan

Tree Preservation Order

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

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 trees have been inspected by the Council's Tree Officer who has prepared a written report. No objection is raised to the proposed felling of T1 (Cherry Tree), which has been deemed to have poor amenity value and has had its retention span drastically reduced. No objections has been raised in relation to the felling of T5 (Sorbus), as it has also been deemed to have very poor amenity value, with the 'flaking' cambium and bark indicates the tree is unlikely to make a recovery.

Therefore, it is recommended that no objection is raised in relation to this application.

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.