

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

REF NO: **AW/355/14/TC**

LOCATION: 4 The Drive
 Aldwick

PROPOSAL: Fell 1 No Red Maple tree with the Craigwell House Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The tree the subject of this application.
BOUNDARY TREATMENT	a mixture of 1.8 metre high close boarded fencing and mature planting.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling.
CHARACTER OF LOCALITY	Within the Craigwell House Conservation Area. Private residential estate comprising detached properties on large plots 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. Members suggested a replacement tree be planted.

Comments on Representations received:

It should be noted that the tree the subject of this application is not the subject of a Tree Preservation Order (TPO) and as such the Council do not have the ability to require the planting of a replacement tree.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Council's Tree Officer:-

Comments:

- T2 lies in Aldwick Bay conservation area, which is a high amenity landscape with young, semi mature, mature, and over mature trees specimens present. T1 has no active TPO order.
- T2 is located abutting the rear boundary of 4 the Drive, in the eastern area, west of T1.
- It was clear from the site inspection that T2 is in a very poor condition, and has very poor crown density. Also there is clear evidence of poor pruning techniques (as there is a number of 'pegs' present).
- Speaking to the applicant/owner of T2, it was alleged that this individual did not flush last year. This would suggest this tree is standing dead.
- Given the overall condition of T2, the retention span of the outlined tree is likely to be greatly reduced.

Recommendation:

- For the above reasons, this tree would not be suitable for a TPO order.
- I therefore would have no objection to the proposed operation of felling of T2.

Conservation Area Advisory Committee:-
No Objection

Comments on Consultation responses:
Comments noted.

POLICY CONTEXT

Designations applicable to site:-
Conservation Area
Adopted Local Plan
Tree Preservation Order
Art 4 Direction

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 Red Maple is located in the rear garden of 4 The Drive abutting the rear boundary. The report prepared by the Council's Tree Officer states that the tree the subject of this application "in a very poor condition, and has very poor crown density. Also there is clear evidence of poor pruning techniques (as there is a number of 'pegs' present)."

Given the overall condition of the tree it is identified that its retention span is likely to be greatly reduced. Therefore, it is recommended that no objection is raised in relation to the proposed felling of this tree in accordance with the guidance provided by the Council's Tree Officer.

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.