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

REF NO: **AW/70/14/TC**

LOCATION: Byeway Cottage
2 The Byeway
Aldwick

PROPOSAL: Fell 1 no. Purple Plum, 1 no. Crab Apple & 1 no. Flowering Cherry tree in the front garden within the Aldwick Bay Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The three trees the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	Front has wall approximately 1m in height.
SITE CHARACTERISTICS	Detached two storey property. It has white painted brickwork on lower level with grey weatherboarding on the upper level, grey tiled roof with white window frames.
CHARACTER OF LOCALITY	Within the Conservation Area. Private residential estate comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:
Aldwick Parish Council
Awaited

Comments on Representations received:
None

CONSULTATIONS

Arboriculturist

Consultations responses received:
Consultant Arboriculturist
These three trees are all of different species and not all Cherries as stated.
Purple Plum Prunus cerasifera 'Nigra'
Crab Apple Malus floribunda

Flowering Cherry Prunus avium
All three have been topped out in the past and dieback has ensued as well as salt laden wind damage
These are poor quality trees and none of them is worthy of a TPO.
I raise No Objection to the proposed removal and replacement of these three trees.

Conservation Area Advisory Committee
No comment

Comments on Consultation responses:

Arborist comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area
Within Conservation Area
Area of Special Control for Advertisements
Tree Preservation Order 2/58
No Public Sewer

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 3 no. trees which comprise a Crab Apple, Flowering Cherry and Purple Plum are sited in the front garden of the property. They are readily visible within the street scene but are not of any significant public visual amenity value.

The trees have been topped in the past and poorly maintained. The notification seeks to remove the trees and replant with palm trees that are similar to the trees on the estate and in the back garden.

The Consultant Arboriculturist has inspected the trees and has raised no objection to their removal and replacement. It is therefore recommended that no objection be raised 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 amendd) 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.