

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

REF NO: **AW/74/15/TC**

LOCATION: Seawood
 70 The Drive
 Aldwick

PROPOSAL: Reduce crowns of 5 No. Leylandi trees by .6m & reduce west side back to boundary wall 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	Five Leylandi trees under consideration in this application
BOUNDARY TREATMENT	1.8m boundary wall and various trees.
SITE CHARACTERISTICS	The site consists of a large detached dwelling with driveway to front, various trees in the locality and within the conservation area.
CHARACTER OF LOCALITY	The area is characterised by large, traditionally styled detached dwellings, set back from the road with front driveways/gardens and sizeable rear gardens. The properties to the south side back onto the beach.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

One objection received from owners of 70 The Drive. They object as they feel the trees provide screening that prevents overlooking from number 68 and that they give no permission for works to the trees that are on their side of the fence.

A letter was also received from a local resident, concerned that the application was validated when the trees were not owned by the applicant. The Council responded to this to state that a letter supplied with the application did highlight that the trees were on No 70's land. It was also stated that should consent be granted, an informative would be added to make the applicant aware of the need for the owner of the trees permission before crown reduction could take place.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

ARBORICULTURIST:

Comments:

- The outlined trees are situated in the area of Aldwick Bay Estate, which is a high amenity landscape with young, semi mature, mature, and over mature trees specimens present. The outlined trees are just visible from the main highway outside (The Drive).
- T1-T5 are not covered by TPO orders, however they are situated in a conservation area.
- It is clear from the site inspection that these individuals have been managed as a hedge/screen. Also from the site inspection all the individuals seemed to be reasonable condition (some small areas of 'browning' or dieback were present). This could indicate a reduced lifespan, and has effected the aesthetic value offered by these trees.
- All the cited trees were scored on the TEMPO template, to assess their suitability for TPO orders. T1 - T5 all scored under 10 on the TEMPO template, which does mean these trees are currently not suitable for TPO orders.

Recommendation:

- Although I have no objection to the proposed operation, (as T1 - T5 do not have the merits to warrant a TPO order) the applicant has not sort consent from the owner of these trees to complete the applied for height reductions. The applicant must have the owner's consent to complete the proposed height reductions.

CONSERVATION OFFICER: No comments received.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designations Applicable to Site:-

Adopted Local Plan

Conservation Area

Tree Preservation Order

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 subject of this application have been inspected by the Council's Tree Officer who has stated that whilst the trees are partly visible from the public highway, they are not suitable for TPO orders and has no objection to the proposed operations.

Therefore, in accordance with the comments of the Council's Tree Officer it is recommended that no objection is raised in relation to the proposed felling of this tree.

As per the Tree Officer comments an informative will be added to the decision notice to carry out the proposed height reductions of the trees.

RECOMMENDATION

NO OBJECTION

- 1 **INFORMATIVE:** The applicant should be made aware that full written permission must be acquired from the owners of number 70 The Drive, Aldwick (who own the trees) for the proposed height reduction (granted by this consent) of the trees to be carried out.
- 2 **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.
- 3 **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.