

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

REF NO: **AW/108/12/TC**

LOCATION: Aldworth House
 91 The Fairway
 Aldwick

PROPOSAL: Fell 1 No. Bird Cherry tree and 5 No. Leylandii trees 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 trees the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	East side boundary has hedging, rear and west side boundary close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached two storey property with rendered walls, white window frames with a grey tiled roof.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area. Private residential estate comprising detached properties of various styles and designs on large plots, some of notable character.

RELEVANT SITE HISTORY

AW/241/09/TC	Removal of 1 no. Leylandii & Macrocarpa hedge (within the Aldwick Bay Conservation Area)	No Objection 12-02-2010
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REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection

Members agreed that the Arun Arboriculturist is consulted regarding this notification and that his professional recommendations/decision is applied.

1 Letter of Objection

The West Sussex Wildlife Protection Group opposes the application on the basis that no felling due to nesting birds.

Comments on Representations received:

Parish Council comments noted
See Arboriculturist's recommendation.

Objection comments noted

If no objection is raised to the felling then an informative will be placed on any decision regarding the Wildlife and Countryside Act regarding nesting birds during the months between April to September.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

I have visited the site and the Whitbeam is in fact a Bird Cherry, an uncommon, native flowering tree, heavily suppressed by the Golden Macrocarpa Conifer group. The close growing line of these conifer trees appeared to have acted as a screen around the out-house. They have been topped within the last 15 years, distorting the upper crown where no discernable shape is apparent to warrant their retention as a feature of good public visual amenity. The Bird Cherry is barely visible and would benefit from the conifer removal and may become a fine, small ornamental tree. However, the five trees and Bird Cherry do not provide good visual amenity and they have been assessed and deemed unworthy for a consideration towards applying a Tree Preservation Order. The applicant intends to replant those felled with Olive trees.

Conservation Officer
Awaited

Conservation Area Advisory Committee
No comment

Comments on Consultation responses:

Arboriculturist's comments noted and agreed.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Within the Aldwick Bay Conservation Area
Tree Preservation Order 2/58

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, are not specific to

report

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 Whitebeam and 5 Leylandii trees are sited in the rear garden on the eastern side boundary and form a group and the notification seeks to fell the trees.

There are various trees in the rear garden and the trees the subject of this notification are sited adjacent to a summer house. The Whitebeam which is in fact a Bird Cherry is a poor specimen and has been heavily suppressed by the adjacent conifers. The Council's Arboriculturist has advised that the conifer trees have previously been topped within the last 15 years, distorting the upper crown where there is no discernable shape. The trees are not readily visible from the front of the site and are not of any significant public visual amenity.

The Council's Arboriculturist has inspected the trees and has confirmed that the trees are not worthy of retention and has raised no objection to their removal.

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 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.