

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

REF NO: **AW/11/14/TC**

LOCATION: 3 The Byeway
 Aldwick

PROPOSAL: Remove 9 No. Cypress Leylandii 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.
BOUNDARY TREATMENT	East side boundary has close boarded fencing approximately 1.8m in height, west side boundary has close boarded fencing + hedging/tree screening, rear boundary has shrubs/hedging approximately 2m-4m in height.
SITE CHARACTERISTICS	Detached two storey property that has recently been refurbished with rear extension. Solar panels on rear. The property has white rendered walls with grey tiled roof. white PVCu windows and doors.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area. Private residential estate comprising detached properties of various styles and designs, some of notable character.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Council's Arboriculturist
Conservation Officer

Consultations responses received:

Consultant Arboriculturist

Grp 1 - Golden Leylandii Height - 4m : Avge Spread - 2m : Age - Young

Il have been topped out in the past and the salt laden winds straight off the beach have meant that they grow at an acute angle into each other - which gives the impression that they have become dislodged. These are poor quality trees that are not suitable subjects for a TPO.

Conservation Officer

Awaited

Conservation Area Advisory Committee

No objection

Comments on Consultation responses:

Arboriculturist's comment noted and agreed

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Tree Preservation Order

Conservation Area

Area of Special Control for Advertisements

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [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 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 9 Cupressocyparis Leylandii trees are sited in the rear garden on the western side boundary and form a group. They are growing at an angle and although visible from the foreshore are not considered to be of visual amenity value as they are of poor quality.

The notification seeks to remove the trees and replant with a suitable hedge. The Arboriculturist has raised no objection to their removal as they have been topped in the past and have grown at an angle. They are of poor quality and are not suitable subjects for a Tree Preservation Order.

It is therefore recommended that no Tree Preservation Order be made or objection be raised to their removal.

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.