

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: AW/14/12/TC

LOCATION: 28 The Fairway
Aldwick

PROPOSAL: Fell 1 No Cedar Tree 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 Cedar tree the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	Dwarf wall to front. Rear and side boundaries mixture of close boarded fencing, mature trees and hedging.
SITE CHARACTERISTICS	Two storey detached with attached garage. The property has white painted brickwork, wooden cladding at upper level with a red tiled roof.
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

No objection.

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

Comments on Representations received:

See Arboriculturist's comment.

CONSULTATIONS

Council's Arboriculturalist
Conservation Officer
Conservation Area Advisory Com

Consultations responses received:

Council's Arboriculturist

The conifer tree (which is a general term for all cone bearing seed plants including Cedar trees) is barely visible and only from the rear of the property. There is the potential for the tree to grow larger and cause direct damage to the nearby structure. Therefore I would not recommend its retention and accept the application to fell.

Conservation Officer

Awaited

Conservation Area Advisory Committee

Object to loss of tree.

Comments on Consultation responses:

Council's Arboriculturist

Noted.

Conservation Area Advisory Committee comments noted

See Arboriculturists recommendation.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Within Conservation Area

Tree Preservation Order 2/58

PDR Restriction on

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 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 Cedar tree is sited in the rear garden but is visible above the fencing to the rear in Arun Way but of no significant public visual amenity.

The tree is positioned behind a brick built shed in a paved area and due to its close proximity to this structure is growing in a confined space and causing excessive shading and the notification seeks to fell the tree.

The Council's Arboriculturist has raised no objection to its removal and it is therefore recommended that no objection be raised or Tree Preservation Order be made.

RECOMMENDATION

- 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.