

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: **AW/153/09/TC**

LOCATION: 219 Manor Way
 Aldwick

PROPOSAL: Crown reduce 1 no. Corkscrew Willow by 25% 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 tree the subject of this application but various trees within and around the site.
BOUNDARY TREATMENT	Front boundary has wall approximately 1m in height, side boundaries hedging and tree screening.
SITE CHARACTERISTICS	Detached two storey property with integral garage and gravel driveway. The walls have brown brickwork, brown tiled roof with white window frames.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area. Private residential estate with detached properties of various styles and designs, some of notable character.

RELEVANT SITE HISTORY

AW/222/06/T	Lopping of 1 field maple and felling 1 conifer	Approve Cond 25-10-2006
BR/62/75/T	Lopping of one tree	Approve Cond 12-03-1975

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection

Members unanimously supported this application.

Comments on Representations received:

None

CONSULTATIONS

Horticulturist

Conservation Area Advisory Com

Consultations responses received:

Horticulturist

I have visited the site and the Corkscrew Willow is a healthy specimen and approximately 4.5m in height. I have no objection to the crown reduction for its future wellbeing, as if allowed to grow too high will become unkept and liable to failure in strong winds.

Conservation Area Advisory Committee

No comment.

Comments on Consultation responses:

Noted and agreed.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

Within the Aldwick Bay Conservation Area

Tree Preservation Order 2/58

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

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 tree is sited in the front garden on the western side boundary adjacent to the lawn and is readily visible in the street scene and of significant visual amenity.

The Council's Arboriculturist has visited the site and has no objection to the crown reduction by 25% for its continued health.

It is therefore recommended that no objection be raised or Tree Preservation order be made and the surgery should proceed as per the notification.

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.