

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT**REF NO:** AW/173/09/TC**LOCATION:** 9 Willow Way
Aldwick**PROPOSAL:** Crown reduction of 25% to 1 no. Eucalyptus, 1 no. Maple & 2 no. Yew 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	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mature trees and hedging surround the perimeter of the site.
SITE CHARACTERISTICS	The site is a two storey detached dwelling.
CHARACTER OF LOCALITY	The site is located on a residential road of predominantly two storey detached properties set in spacious plots.

RELEVANT SITE HISTORY

AW/241/00/T	Felling of 1 storm damaged Cupressus Macrocarpa at corner of Willow Way & Manor Way.	Approve Cond 29-12-2000
BR/131/68	Fell 5 trees Plot 1 - 3 conifers Plot 2 - 1 Conifer & 1 Birch	Approve Cond 02-05-1968
BR/125/74/T	Lop & fell trees	Approve 01-03-1974

REPRESENTATIONS**Representations received:**

Aldwick Parish Council

No Objection. Members were concerned about the amount of reduction to these trees and therefore voted to refer this application to the Arun Arboriculturist for his recommendations.

Comments on Representations received:

Noted. The District Arboriculturist is always consulted on any applications involving works to trees that are subject to a Tree Preservation Order, or located within a Conservation Area.

CONSULTATIONS

Horticulturist

Conservation Area Advisory Com

Consultations responses received:

Conservation Area Advisory Committee: No Comment

District Arboriculturist:

I have no reason to refuse the application as the work will be for the good maintenance and wellbeing of the established well stocked garden.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area

Within the Aldwick Bay Conservation Area

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:

[GEN2](#)
[GEN7](#)
[GEN28](#)
[AREA2](#)

Built-up Area Boundary
The Form of New Development
Trees and Woodlands
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

This is a notification of intent to perform works to trees within the Aldwick Bay Conservation Area. The proposed works include the crown reduction of 1 no Eucalyptus, 1 no Maple and 2 no Yew trees, by approximately 25%.

The trees are located in the garden of 9 Willow Way, and whilst not readily visible from the highway, they do contribute to the character and appearance of the Conservation Area, which is characterised by its intensively landscaped gardens and verges.

The District Arboriculturist has been consulted and has raised no objection to the proposed works, advising that it is for the purpose of good maintenance.

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.