

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

REF NO: **AW/208/13/TC**

LOCATION: Tamarisk
 West Drive
 Aldwick

PROPOSAL: Fell 18 No Cypress Leyland in rear garden.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Leylandii trees the subject of this notification.
BOUNDARY TREATMENT	Rear boundary Leylandii trees the subject of this notification, side boundaries hedging approximately 1.8m-2m in height.
SITE CHARACTERISTICS	Detached two storey property with attached garage, gravel driveway. The property has rendered walls painted white with wood detail and a 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 and appearance.

RELEVANT SITE HISTORY

AW/303/11/TC	Top 18 no. Leylandii trees by 50% within the Aldwick Bay Conservation Area	No Objection 13-01-2012
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REPRESENTATIONS

Representations received:

Aldwick Parish Council
Awaited

1 Letter of Objection

The West Sussex Wildlife Protection Group opposes the notification on the basis that no felling unless dead or dangerous.

Comments on Representations received:

See Arboriculturist's comments.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

The Conifer trees have no visual amenity and their loss would not significantly detract adversely from the landscape. Therefore I would not object to the removal of the trees.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Abutts Conservation Area

Tree Preservation Order 2/58

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

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 18 Cypress Leylandii are sited on the rear boundary which is not within the Conservation Area and are not old enough to be covered by the blanket order TPO/2/58. They are sited on the rear boundary and are not of any significant public visual amenity value.

The trees some of which are dying are not considered to be in great health and the notification

seeks to fell the trees. There is a large Oak tree sited behind the trees in a cramped position and the removal of the trees will allow more light into this area and the small rear garden of No 7 Singleton Close.

The Council's Arboriculturist has raised no objection to their removal as they are not of any significance so it is 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.