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

REF NO: **AW/220/12/TC**

LOCATION: Verge of Hunters Close
Aldwick Bay Estate
Bognor Regis

PROPOSAL: Reduce height of 1no. Willow by 4 metres 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 Willow tree the subject of this notification but various trees around the site.
BOUNDARY TREATMENT	The Willow tree is sited on a grass verge adjacent to the highway. To the rear is hedging of approximately 2m in height.
SITE CHARACTERISTICS	Residential cul-de-sac comprising detached bungalows and block of garages which serve properties in The Ridings.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area and private residential estate. A mixture of properties of various styles and designs, some of notable character.

RELEVANT SITE HISTORY

AW/69/91/CA	Removal of ivy and pruning to shape of one White Willow Tree and one Poplar Tree within the Aldwick Conservation Area	No Objection 17-06-1991

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.

1 Letter of Objection

The WSWP object on the basis that no height reduction unless dead or dangerous.

Comments on Representations received:

Parish Council and Objection comment noted
See Arboriculturist's response.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist
I have inspected the tree and do not object to the reduction, above the original lopped/knuckle points as proposed in the notification.

Conservation Area Advisory Committee
No objection

Comments on Consultation responses:

Arboriculturist's comment noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Within the Conservation Area
Tree Preservation Order 2/58

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 Willow tree is not old enough to be covered by Tree Preservation Order 2/58.

The tree is sited on a grass verge adjacent to the highway leading to bungalows in Hunters Close. It is readily visible in the street and of public visual amenity. The notification seeks to re-pollard to previous lopped points by 4m.

The Council's Arboriculturist has inspected the tree and has raised no objection to the reduction to the original lopped/knuckle points.

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 amendd) 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.