

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: AW/303/11/TC

LOCATION: Tamarisk
West Drive
Aldwick Bay Estate

PROPOSAL: Top 18 no. Leylandii trees by 50% 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 Leylandii trees the subject of this application.
BOUNDARY TREATMENT	Rear boundary Leylandii trees the subject of this application, side boundaries hedging approximately 1.8m-2m in height.
SITE CHARACTERISTICS	Detached two storey property with attached garage, gravel driveway.
CHARACTER OF LOCALITY	Within Conservation Area. Private Residential Estate comprising detached properties of various styles and designs, some of notable character and appearance.

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:

Noted

See Arboriculturist comments.

CONSULTATIONS

Council's Arboriculturalist

Conservation Area Advisory Com

Consultations responses received:

Council's Arboriculturist

This is a fast growing conifer hedge and it is therefore not appropriate to be the subject of a Tree Preservation Order/BS3998 restriction. I would therefore approve the application for a hedge reduction, to keep it maintained and at an appropriate height. Applicant should be aware of nesting birds.

Conservation Area Advisory Committee

No objection.

Comments on Consultation responses:

Noted and agreed.

An informative will be placed on the notification letter regarding nesting birds and bats.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Within Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

PLANNING POLICY GUIDANCE

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 no. Leylandii trees are sited along the rear boundary and are of a considerable height and the notification seeks to reduce the height by 50%. The trees being to the rear of the site are not readily visible from West Drive and are of no significant visual amenity.

The Council's Arboriculturist has raised no objection to the reduction to keep it maintained at an appropriate height.

It is not appropriate for a Tree Preservation Order to be made as the hedge is fast growing and it is therefore recommended to raise no objection.

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.