

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

REF NO: **AW/315/13/TC**

LOCATION: Manor Barn
 227 Manor Way
 Aldwick

PROPOSAL: Reduce crown by 1 metre to 1 No Evergreen Oak tree 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 notification but various trees within and around the site.
BOUNDARY TREATMENT	Front boundary has wall + wooden access gates approximately 1.5m in height, side boundaries a mixture of close boarded fencing and hedging approximately 1.8m-3m in height.
SITE CHARACTERISTICS	Detached two storey L-shaped property with double garage on east side. The property has reddish/brown brick walls with brown window frames.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area. Private residential estate comprising two storey properties on large plots of various styles and designs, some of notable character.

RELEVANT SITE HISTORY

AW/68/08/TC	Application to trim 1 x Evergreen Oak within the Aldwick Bay Conservation Area.	No Objection 25-04-2008
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REPRESENTATIONS

Representations received:

Aldwick Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

Awaited

Conservation Area Advisory Committee

No objection

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area

Within the Aldwick Bay 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 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

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 Evergreen Oak tree is sited in the front garden on the eastern boundary and is readily visible from the front of the site being of public visual amenity.

A previous application AW/68/08/TC for reduction to previous pollard points was approved and work carried out at that time. This notification seeks to reduce crown by 1m to previous pollard

points to keep its shape and for the continued health of the tree.

In the absence of any objection from the Council's Arboriculturist it is considered that the proposed surgery would not impact upon the visual amenity provided by the tree or harm the character and appearance of the Conservation Area.

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.