

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: AW/94/10/TC

LOCATION: 2 Wychwood Walk
Aldwick

PROPOSAL: Fell 1 No Hawthorn Tree within the Craigweil House 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 application but various trees on grass verge to front of properties in Wychwood Walk.
BOUNDARY TREATMENT	Front boundary has wall painted white with brick piers approximately 1m-1.2m in height, dwarf brick wall under 1m in height to sides.
SITE CHARACTERISTICS	Two storey detached property with gravel driveway to front. The property has brickwork painted white, white window frames with a red tiled roof.
CHARACTER OF LOCALITY	Within the Craigweil House Conservation Area. Private residential estate comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection

Members unanimously voted in favour of this application.

1 Letter of Rep

Craigweil House and its Environs Conservation Area Association has studied this application and the tree concerned which they have noted has been in decline in recent years with two of drought undoubtedly being partly attributable to its demise. It is, quite clearly, now dead and it is to the credit of the owner that he retained it as a public amenity tree for so long for the blossom in Spring was a sheer delight. Consequently, we have no objection to its felling.

However, we ask that the Authority insists upon a suitable replacement tree be planted (this can now be done throughout the year) as is required in Conservation Areas.

Comments on Representations received:

Noted.

The Authority cannot impose a condition regarding a replacement tree on a notification for a tree in a Conservation Area. In this instance it is not appropriate for the authority to insist on the planting of a replacement tree.

CONSULTATIONS

Conservation Officer

Tree Officer

Conservation Area Advisory Com

Consultations responses received:

Conservation Officer

Awaited

Tree officer

I have visited the site and have no objection to the removal of the Hawthorn tree.

Conservation Area Advisory Committee

No comment

Comments on Consultation responses:

Noted

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

Within the Craigweil House Conservation Area

Tree Preservation Order 2/58

No Public Sewer

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands
	AREA2	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

The Hawthorn tree is sited in the front garden behind the wall in the corner and although visible from the front of the site is not of any significant visual amenity.

The notification seeks to fell the Hawthorn tree as it is dead. The Council's Arboriculturist has inspected the tree and he has raised no objection to its removal.

It is therefore recommended that no Tree Preservation Order be made or objection be raised to the removal of the tree.

RECOMMENDATION

NO OBJECTION

- 2 **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.
- 3 **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.