

AW/11/08/T

TREE WORKS TO TPO TREES REPORT

DESCRIPTION/ ADDRESS	- Fell one Monterey Pine tree, 5 The Orchard, Manor Way, Aldwick.
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	The Monterey Pine tree the subject of this application but there are various semi-mature and mature species of trees within the site.
BOUNDARY TREATMENT	Site is surrounded by close boarded fencing approximately 1.8m in height + hedge/tree screening.
SITE CHARACTERISTICS	Detached two storey property with single storey extension on rear with balcony over, conservatory on west side elevation. The property has mock tudor decoration on the front elevation, brown brickwork, white PVCu and black painted windows with a brown tiled roof.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area Estate comprising large detached properties of various styles and designs some of notable character.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
AW/28/88T	Fell 4 Pine trees.	Withdrawn 22-04-1988.
AW/214/07/T	Fell 1 Pine tree.	Withdrawn 28-09-2007.

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Aldwick Parish Council	No arboricultural justification was given for the proposed work and it does not appear to be dead, diseased or dying. This is one of the last original Monterey Pine trees on the Bay Estate and, as a beautiful amenity tree, should not be felled.
West Sussex Wildlife Protection	No felling unless dead or dangerous.

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
1 Letter of Objection	On the grounds that the proposal is not justified and would have a detrimental impact on the amenity of the area. I inspected the tree approximately 4 years ago and found no defects or cause for concern. The submitted report does not highlight any tree defects. This is a prime specimen well suited to its coastal location and is visibly important as part of the distinctive local landscape, having particular merit due to its historic significance. The tree embodies the criteria of Tree Preservation Orders and is certainly worthy of retention under TPO Protection.
2 Letters of Support	It is a large tree with a prominent and very exposed crown and we are concerned about the damage and injury that it could cause if a storm brings it down and we believe that the amount of movement of the trunk has increased in the past few years and is becoming more and more dangerous. In high winds debris land on our properties and the needles constantly block the gutters.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Council's Arboriculturist	The applicant has submitted a tree report which highlights that there are further problems with this tree and evidence of stress in some of the high branches. In view of the close proximity to neighbouring properties in Hunters Close it is recommended that the tree be felled as a matter of urgency.
Conservation Area Advisory Committee	Tree should remain.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built Up Area Boundary Tree Preservation Order 2/58 Within the Aldwick Bay Conservation Area

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : DEV1, CH4 Arun District Local Plan : GEN7, AREA2
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PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development Circular 36/78 DETR TPO's: A Guide to the Law & Good Practise

T18017 PWA

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POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPO's are not specific to trees.

COMMENT ON CONSULTATION RESPONSES

Noted and agreed.

COMMENT ON REPRESENTATIONS RECEIVED

Noted. In view of the Arboriculturist's comments and report submitted by an independant tree surgeon it is recommended that the tree be felled for safety reasons.

ASSESSMENT OF PROPOSAL**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

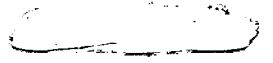
It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

A previous application AW/214/07/T for the felling of the Monterey Pine was withdrawn as no risk assessment of the health of the tree had been submitted and this new application is accompanied by a Tree Report.

The tree is situated in the rear garden on the western boundary of the site and is approximately 19m in height with a spread of approximately 18 metres. The tree is approximately 4.2m from the boundary fence and approximately 10m from the adjacent property No 11 Hunters Close. The submitted report has highlighted that there is evidence of stress fractures in some of the higher branches although there was no evidence of ground heave and a visual inspection of the main trunk revealed nothing of immediate concern. In view of the close proximity of the tree to the adjacent property and the large sail area that is now presented, the writer is unable to vouch for the integrity of the tree and has recommended that the tree be felled and a replacement tree be planted in a less threatening location.

The Council's Arboriculturist has raised no objection to the felling of the tree in view of its height and spread and its close proximity to neighbouring properties in Hunters Close and it is therefore recommended that the application be approved, subject to the following conditions.



RECOMMENDATION

AW/11/08/T

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE
PRESERVATION ORDER)
REGULATIONS 1999**

RECOMMENDATION

Application Ref: AW/11/08/T

1 To Addressee**2 Site Address**

5 The Orchard
Manor Way
Aldwick

3 Description of Development

Fell one Monterey Pine tree.

4 In pursuance of their powers under this Act and these Regulations the Council GRANT consent for the operations to be carried out in accordance with the application and plan and subject to the conditions specified.

The Council certify that they are satisfied that the conditions specified are in the interests of good forestry or in the case of trees other than those comprised in woodlands that the trees have an

RECOMMENDATION

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CONDITION 1 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 2 The applicant shall during the next planting season following the felling of the Monterey Pine tree, the subject of this application, plant a replacement tree of a species and maturity and in a position approved by the Local Planning Authority and under its supervision. In the event that any such tree dies within five years following such planting shall replace them by a similar tree in a similar position during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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.

Case Officer: Mrs J Chapman