

TREE WORKS CONSENT REPORT

REF NO: **AW/11/11/T**

LOCATION: Tree straddles boundary between
123 Aldwick Road and 37 Selsey Avenue,
Aldwick

PROPOSAL: Crown thin one Black Poplar by 25% and crown lift not exceeding a height from
the ground floor of 3m to allow access beneath the tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Black Poplar tree the subject of this application.
BOUNDARY TREATMENT	Properties have close boarded fencing to rear and sides.
SITE CHARACTERISTICS	No 123 Aldwick Road is a detached two storey property with attached garage, conservatory on rear, lean-to construction on side. The property has red brickwork, red tile hanging over bay window with a red tiled roof and white window frames. Np 137 Selsey Avenue is a detached two storey property with brown brickwork on lower level and white render above and a tiled roof.
CHARACTER OF LOCALITY	Aldwick Road is a main road with residential properties of various styles and designs. Selsey Avenue is residential comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

AW/230/10/T
Lift crown of 1 no. Black Poplar and reduce outer part by approx 30%.
Refused 23-11-10.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Support

Members voted in support of this application. There was 1 abstention and Councillor Pollard did not take part in the vote.

Comments on Representations received:

None

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Council's Arboriculturalist

The applicant proposes a crown lift to 4m and a crown thin by 25%. The reason for the work has been described to allow more light into the surrounding gardens. It is appreciated that the tree would appear by those who live close by to dominate their rear garden aspect. The tree has or is near to reaching its full mature height.

Altering crown dynamic suddenly by excessive pruning may cause over-flexing of the remainder crown and may result in damage and limb loss. Crown thinning a finely branched tree would be difficult to achieve unless using an elevated works platform. However this can be practical achieved by selection a number of the longest and thickest stems for removal to substantial side branches. This method should favour the retention of the shorter and less etiolate stems without creating gaps that would otherwise expose others to wind snap. This method combined with a crown clean, ie the removal of abrading branches and deadwood within the main branch structure is practical, safe and where a 25% could be achieved. If the above is adhered to then I would accept the proposal to crown thin by 25%. A crown lift would also be acceptable, however only up to but not exceeding a height from the ground of 3m to allow access beneath the tree.

Comments on Consultation responses:

Noted and agreed.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary
Class B Aldwick Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

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 Black Poplar tree is covered by Tree Preservation Order TPO/AW/1/04 and is sited on the rear boundary garden with No 123 Aldwick Road and 37 Selsey Avenue. The tree is of a significant height and spread and is readily visible above the roof line of 123 Aldwick Road and to the side of the property of 37 Selsey Avenue.

The proposed surgery is to allow more light into the surrounding gardens. A previous application AW/230/10/T for surgery to the Black Poplar tree was refused on the 23rd November 2010 for the crown lift and reduction of outer part by 30% as it was felt that the reduction would detract from its current form and shape. This application is to lift crown by approximately 4m and thin crown by 25%.

The Council's Arboriculturist has been consulted and has recommended a crown thin by 25% and a crown lift not exceeding a height from the ground floor of 3m. The applicant has been consulted and he has agreed to accept the recommendation of the Arboriculturist.

It is therefore recommended to approve the application, subject to the following conditions.

RECOMMENDATION

- 1 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 2 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.

- 3 The works hereby approved shall involve the crown thin by 25% of 1 Black Poplar tree and a crown lift not exceeding a height of 3m from the ground. All works shall be carried out in accordance with BS3998: 1989 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 4 **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.

- 5 **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.