

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (

REF NO: **AW/134/13/T**

LOCATION: Garth Cottage
 44 Fish Lane
 Aldwick

PROPOSAL: Fell 3 No. Leylandi trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Monterey Cypress trees the subject of this application but various trees within and around the site.
BOUNDARY TREATMENT	Front has brick wall 1m in height with access gates, close boarded fencing to west side boundary approximately 1.8m in height, east side boundary wall approximately 1.8m in height.
SITE CHARACTERISTICS	Detached bungnalow with detached single storey garage on western side. The property has rough rendered walls painted white, grey tiled roof with white window frames.
CHARACTER OF LOCALITY	Main road with residential comprising a mixture of predominantly detached single and two storey properties of various styles and designs.

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:

Comments noted

See Arboriculturist's recommendation.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

I do not regard the three Monterey Cypress trees as being protected by the Area Order of 1958. It is reasonable to assume that they would have been planted after this date and are therefore younger than the order. They are also not worthy of a TPO having lost approximately 50% of the lower crown due to excessive crown lifting.

The Holly is of significant visual amenity as it is clearly visible from the highway. The reason provided for reducing the crown by 2-3m to remove overhang from a neighbour's property is not justified as this would diminish the visual amenity of the tree. There may be scope to have the lower crown lifted to provide clear unobstructed access for pedestrians. The application for work to the Holly should therefore not be granted consent.

Comments on Consultation responses:

Comments noted

The applicant has been consulted and has removed the Holly tree from the application and will look at the Holly tree after another year's growth.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Class C Road

Tree Preservation Order 2/58 A.2.

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 Monterey Cypress trees are sited in the rear garden behind the existing garage which is positioned on the western side of the dwelling and although visible from the front of the site are not of any significant public visual amenity. The Holly tree is sited in the front garden on the western side behind the front boundary wall by the access gates being readily visible in the street scene and of public visual amenity.

The application seeks to fell the trees as they are growing within a confined space and in close proximity to the dwelling and drainage/sewage pipes and the applicant is concerned regarding the safety aspect.

The Holly tree which is sited to the front of the site by the driveway is of a significant height and spread and the application seeks for a crown reduction by 2m and reduction of the branches by 2m-3m.

The Council's Arboriculturist has inspected the trees and whilst he has no objection to the removal of the Monterey Cypress trees he has raised an objection to the crown reduction of the Holly tree by 2m-3m as this work is not justified and would diminish the visual amenity of the tree. He has advised that there may be scope to have the lower crown lifted to provide clear unobstructed access for pedestrians. The applicant has been notified and has requested that the Holly tree be removed from the application.

It is therefore recommended that the application be approved for the felling of the Monterey Cypress trees.

RECOMMENDATION

APPROVE CONDITIONALLY

- 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.

- 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.