

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

REF NO: **AW/144/13/T**

LOCATION: 11 Follett Close
 Aldwick

PROPOSAL: Cut back all overhanging branches of 1 No. Yellow Macrocarpa tree overhanging rear garden of 16 Wychwood Close.

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 within and around the site.
BOUNDARY TREATMENT	Mixture of close boarded fencing, hedging and trees to rear and side boundaries.
SITE CHARACTERISTICS	Detached bungalow with brown and white painted brickwork with a tiled roof.
CHARACTER OF LOCALITY	Residential close comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

BR/623/71	Application for tree felling	Approve 19-11-1971
BR/416/76/T	Lopping of 2 no Pine trees	ApproveConditionally 11-08-1976
BR/133/84/T	Lop and top one lime	ApproveConditionally 28-03-1984

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:

Noted

See Arboriculturist's recommendation.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

I have surveyed the Golden Macrocarpa and would recommended that a subtle approach to the pruning be carried out to maintain greenery rather than the creation of bare branch ends as this would be temporarily detrimental to the current naturalised backdrop of trees.

Reduction by 1.5m of the overhanging branches from the Monterey Cypress would be preferred. The conifer tree however is barely visible and where the deciduous trees should comfortably grow into the void once the work has been carried out.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Tree Preservation Order 2/58

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 Macrocarpa tree is sited in the garden on the rear boundary and due to its size and height is overhanging the garden of No 16 Wychwood Close.

The owner of No 16 who has submitted the application seeks to cut back all overhanging branches by 7m. The Council's Arboriculturist has inspected the tree and has recommended that a reduction of 1.5m of the overhanging branches from the Monterey Cypress would be preferred. The applicant has been consulted and is happy to accept this recommendation.

It is therefore recommended that the application be approved, subject to conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 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:
Reduction by 1.5m of the overhanging branches from the Monterey Cypress. All works shall be carried out in accordance with BS3998:2010 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.