

TREE WORKS CONSENT REPORT**REF NO:** **AW/145/11/T****LOCATION:** 261 Aldwick Road
 Aldwick**PROPOSAL:** Fell 1 No Horse Chestnut tree and reduce height of 1 No Hybrid Poplar tree from 20 meters to 12 meters and the spread from 10 meters to 6 meters.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 1450 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	There are clusters of mature trees on and around the southern and western site boundaries, a number of these are subject of Tree Preservation Orders. The application relates to all of the TPO status trees within the curtilage of No. 261 Aldwick Road.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The site is occupied by a large detached two-storey dwelling which is set back from the road and is partially screened by mature landscaping consisting of trees and hedging.
CHARACTER OF LOCALITY	The site is located on a Class B road which is lined by residential development comprising of large, detached dwellings on the southern side of the road which are set back behind mature landscaping and bungalow dwellings that back onto the north side of the road with a swathe of grass between them and the road helping to maintain an open and semi-rural character and appearance. There are a number of informally arranged mature trees, of a mixture of species, that are positioned both alongside the road and within the grounds of residential properties.

RELEVANT SITE HISTORY

AW/240/10/T	Fell 1 No English Oak, Fell 1 No Hybrid Poplar and remove dead and overcrowded branches to 1 No Horse Chestnut Tree	Refused 30-11-2010
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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.

One letter of objection from West Sussex Wildlife Protection: No felling or lopping due to nesting birds.

Comments on Representations received:

Noted. An informative will be attached to any given approval which will make the applicant aware of their duties to protect nesting birds as per the requirements of the 1981 Wildlife & Countryside Act.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

I accept the felling of the Horse Chestnut (now diseased and beyond recovery) and reduction of the leggy Poplar tree. The English Oak is asymmetric having grown in close proximity to the Ash and Beech and would consider these as a Group where the English Oak should be retained and not felled. The loss of the Horse Chestnut should be replaced with another suitable tree to be planted at an appropriate distance from the dominant Poplar tree.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Tree Preservation Order

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 trees in question are not particularly visually prominent due to their positioning to the rear of the existing dwelling and the screening afforded by it and surrounding buildings such as those on Aldwick Fields to the west. Any views of them from the street are generally restricted to the upper crown. It is therefore considered that their loss will not be harmful towards the character and appearance of the surrounding area. There are a number of more prominent mature trees that provide greater amenity value in the surrounding area and these will continue to strongly influence the visual quality of the surroundings.

It is noted that a previous application (reference AW/240/10/T) to fell the Oak and Poplar and reduce the Horse Chestnut was refused as it was not felt that there was any arboricultural justification for the loss of the Oak and Poplar. The current application involves the reduction rather than felling of the Poplar and this is seen as an acceptable course of action, retaining the tree whilst controlling its growth and preventing it from appearing overly dominant. The application also requests the felling of the Horse Chestnut Tree which has been found by the Council's Arboriculturalist to be diseased, this loss will be mitigated by conditioning any approval to ensure a suitable replacement tree is planted in order to maintain the presence of a group of trees in the garden.

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works hereby approved shall involve the felling of 1 No. Horse Chestnut tree and reduction of 1 No. Hybrid Poplar Tree by a maximum of 8 metres in height and 4 metres in spread.

All works should be carried out in accordance with British Standard 3998: 2010: Recommendations for tree work.

Reason: In the interests of the health and appearance of the preserved tree.

- 2 The applicant shall during the next planting season following the felling of the Horse Chestnut Tree, the subject of part of this application, plant replacement a tree of a species and maturity and in positions approved by the Local Planning Authority and under its supervision and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 3 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 policy GEN7 of the Arun District Local Plan.

- 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.