

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

REF NO: **AW/146/13/T**

LOCATION: Ditch to the rear of
 23 Fernhurst Gardens
 Aldwick

PROPOSAL: Crown reduction and shaping of 2 no. Field Maple trees to a maximum of 2.5m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing to sides + soft landscaping 1.8m-2m in height, rear has close boarded fencing + trees over 3m in height.
SITE CHARACTERISTICS	Detached two storey dwelling with integral garage and conservatory on rear. The property has red brickwork, white window frames with a green tiled roof.
CHARACTER OF LOCALITY	Residential road comprising a mixture of detached 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.

1 Letter of Rep

Trees appear to be in no mans land as the fencing has been erected in front of the ditch. The larger of the tree is growing at an angle and is actually rooted over the top of the culvert, not in the ditch. Bringing the crown down to the roof line is more than 4m. From my own estimation the roof line is more than 4m from the top of the tree.

Comments on Representations received:

Parish Council and Rep Comments noted

See Arboriculturist's recommendation.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

I have surveyed the two Field Maple trees and there is scope to reduce both. A lesser crown reduction is advisable as the proposed 4m could result in a stubby/abruptly cut appearance and be detrimental to their visual amenity. I have suggested conditions for the work which will help to prevent unnecessary loss of crown foliage and maintain some natural amenity.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
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 two Field Maple trees are sited to the rear of the property behind the fencing in a drainage ditch between the two properties No 23 Fernhurst Gardens and 14 Tangmere Gardens.

The trees are of a considerable size and height and although not readily visible to the front of the

site in Fernhurst Gardens are visible to rear gardens in Tangmere Gardens and, as such, are of visual amenity value. The application seeks for a crown reduction with shaping as the trees are causing excessive shading to the rear garden of No 23 Fernhurst Gardens.

The Council's Arboriculturist has recommended that a 4m crown reduction would not be advisable as it would result in a stubby/abruptly cut appearance that would be detrimental to their visual amenity. He has recommended a 2.5m crown reduction with shaping to a maximum of 2.5m. 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 the crown reduction and shaping of 2 no. Field Maple trees with the removal of branches not exceeding 2.5m. Wound sizes should not exceed 50mm in diameter. All work should be carried out using a pruning saw for small diameter cuts (as above).

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.