

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** **AW/15/13/T****LOCATION:** 226 Manor Way
Aldwick**PROPOSAL:** Fell 1 Macrocarpa tree, fell 1 No Spruce tree, fell 1 No Leylandii tree, fell 2 No Sycamore trees, reduce crown of 1 No Willow tree by 3m, reduce crown of 1 No Silver Birch tree by 4m, reduce crown of 1 No Willow tree by 4m and reduce crown of 1 No Atlantic Cedar tree by 2m**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees the subject of this application.
BOUNDARY TREATMENT	500mm wall and gates to front boundary. Shrubs and vegetation to rear and side boundaries.
SITE CHARACTERISTICS	Detached two storey dwelling.
CHARACTER OF LOCALITY	Aldwick Bay Estate. Private residential estate of detached two storey dwellings, some of mock Tudor design, in spacious, landscaped grounds. Conservation Area.

RELEVANT SITE HISTORY

BR/858/79T	Two pines to be felled 2 pines to be lopped	Approve Conditionally 12-12-1979
BR/5/81	O/A for 1 detached dwelling with garage	Approve Conditionally 18-02-1981
BR/776/81	One detached house and garage	Approve Conditionally 30-09-1981
BR/799/81/T	To fell 3 cupressus Macrocarpa trees	Approve Conditionally 07-10-1981
BR/546/82/T	To fell six no Macracarpa trees and lop one no Montenay Pine tree	Approve Conditionally 04-08-1982

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection. Members agreed that the the Arun Arboriculturist is consulted regarding this application and that his professional recommendations/decision is applied.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist
Conservation Officer

Consultations responses received:

Arboriculture: No objection. The applicant has requested the reduction of the Weeping Willow and other tree pruning/felling work in the front and rear gardens. The trees appear not to be old enough to be protected by the Area TPO of 1958 and at present, do not warrant individual protection of the serving of a new TPO. In addition, the applicant wishes to prune the overgrown shrubs Griselinia elliptica behind the boundary wall to the front of the property and to fell the 2.5 metre high Monterey Cypress hedge located between the application site and the neighbouring property. Both of these works are acceptable. The work proposed within the application is acceptable and should be granted consent.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

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 application seeks consent for the following tree works:-

- fell 1no. Macrocarpa Tree;
- fell 2no. Sycamore Trees;
- crown reduction to 1no. Willow Tree by 3 metres;
- crown reduction to 1no. Silver Birch Tree by 4 metres;
- crown reduction to 1no. Willow Tree by 4 metres; and
- crown reduction to 1no. Atlantic Cedar Tree by 2 metres.

The application site contains many mature trees, which screen the house from view within the streetscene along Manor Way. The Willow Tree, Sycamore Trees and Atlantic Cedar Tree are located in the rear garden, and The Macrocarpa, Spruce, Leylandii, Birch and Willow are located in the front garden.

The Council's Arborist comments that the trees do not appear to be old enough to be protected by the Group TPO of 1958 and at present, do not warrant protection by the serving of a new TPO. Additionally, the applicant wishes to prune a number of bushes located in the front garden behind the boundary wall and to fell a 2.5 metre high Monterey Cypress hedge on a boundary. No objection is raised to the proposed works by the Council's Arborist.

It is therefore recommended that consent is granted, subject to the conditions outlined below.

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 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.

- 3 **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.

- 4 **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.