REPORT UPDATE

Application No :	AW/161/06/T
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Reason for the Update/Changes

- Representations

Craigweil and its Environs Conservation Area Association:-

Objection – No arboricultural reason to fell the Yew tree which is an integral part of the last remaining section of the Craigweil House gardens. No need to do works to the Oak tree except for dead wooding. The Yew tree is part of the "Royal Walk" which ran from Craigweil House to the lawns, and is probably 100 years old. CECAA also indicate that their views are also shared by the consultant arboriculturalist, Mr. Bashford.

Three further letters of objection have been received. They reiterate that the trees are valuable to the history of the Craigweil Estate, and with other trees make a positive contribution to the character of the area.

Officer Comment :

The works to the Oak tree are limited to removing the dead wood and are considered acceptable on the grounds of safety and good husbandry. The arboriculturalist also considers the removal of the Yew tree to be acceptable on the grounds that it is no longer appropriate in this rear garden area.

Notes: Changes to recommendations, conditions and/or reasons for refusal will always be accompanied by a new replacement recommendation sheet.

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TREE WORKS TO TPO TREES REPORT

DESCRIPTION/ ADDRESS	-	Surgery to 1 no. English Oak tree and fell 1 no. Yew tree 38 Kingsway, Aldwick

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.1 hectares approximately
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	A considerable number on site including the trees the subject of the application.
BOUNDARY TREATMENT	1.8m close boarded fencing to the rear of the site.
SITE CHARACTERISTICS	Large detached property in its own grounds. White painted render with a concrete pantile roof.
CHARACTER OF LOCALITY	Individual detached properties.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
BR/905/80/T	To lop 7 Horse Chestnuts, top one Oak and fell one Lime.	Approved Conditionally 21st January 1981
BR/203/81/T	To prune 50 trees.	Approved Conditionally 15th April 1981
BR/903/84/T	Felling of 24 Limes, 11 Horse Chestnuts, 1 Ash, 2 Cherry, 2 Sycamore trees and 1 Whitebeam tree, 10 various types lopped.	Approved in Part 17th April 1985 2nd September 1986
AW/16/87/T	Lopping and pruning of 8 Horse Chestnut trees (felling of one Horse Chestnut previously approved under BR/903/84/T	Approved Conditionally 16th February 1987
AW/47/90/T	Lop and top Ash Tree (Kingsway), top 2 Horse Chestnut trees (Queensway), lop and top one Beech tree and one Lime tree and fell one Oak tree (The Drive).	Approved Conditionally 14th May 1990
AW/160/91/T	Fell 1 no. Prunus (black), 1 no. Crateagus tree and various works to 17 other trees.	Approved Conditionally 4th November 1991
AW/135/92/T	Fell one Ash tree. Lop 2 no. Maples and lop and thin 1 no. thorn, 1 no. Sorbus and 3 no. Chestnuts.	Approved Conditionally 25th September 1992
AW/46/93/T	(1) Fell 1 Maple tree (2) Crown reducing of 1 Holly Oak (3) Fell one Oak and crown reducing of 1 Horse Chestnut.	Approved Conditionally 21st May 1993

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RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
AW/144/94/T	Dead wood 1 Yew tree in south west corner of garden and one Beech tree on adjoining property.	Approved Conditionally 19th December 1994
AW/171/97/T	Fell two Sycamore trees and one Yew tree, lop one Sycamore tree, raise and reduce crown of one Yew tree.	Approved Conditionally 4th November 1997
AW/21/99/T	Works to one Chestnut tree (trim one branch back to trunk)	Approved Conditionally 26th March 1999
AW/223/05/T	Remove one years growth from three domed Yew hedges.	Approved Conditionally 10th November 2005

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Aldwick Parish Council	Objection: - Both these trees are covered by Tree Preservation Order BR2, 1958. The Yew is part of a group of similar mature trees, which is unique in Aldwick. It does not appear to be 'dead, dying or diseased'. The dead wood should certainly be removed from the English Oak, particularly if it presents a danger.
Local Groups	None
1 letter of objection	- Oak tree needs some surgery - no arboricultural need for the felling of the Yew tree - Yew tree important to the history of Craigweil Estate

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
District Council's Arboriculturalist	The English Oak tree is situated in a relatively isolated part of the back garden. It is a tall and majestic tree but has some failing branches in the high crown and I suspect that it has been under stress of recent years. In addition with this, it is a common occurrence with Oak trees in this particular area with them being in close proximity to the sea and subject to salt spray and very high winds. An application has been applied for the lopping and topping of dead wood and I have no problem with this particular issue whatsoever. With regard to the Yew tree, this is one of several which were once in a large garden and are a rather ugly form of Edwardian topiary. Unfortunately, the applicant has three of these in this property and, in fact, they take up at least half of the main part of his rear garden. He has asked for one of these to be removed and I have suggested that there will be no problem with this as the Yews are no longer appropriate to this now confined area. I do not suggest that he plants a similar replacement as already this area seems to be quite well catered for in terms of trees.

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POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Tree Preservation Order Area of Special Character

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : DEV1
Arun District Local Plan : GEN7, AREA1

PLANNING POLICY GUIDANCE

PPS 1 - Delivering Sustainable Development
Circular 36/78
DETR TPO's: A Guide to the Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPO's, are not specific to trees.

COMMENT ON CONSULTATION RESPONSES

Noted and agreed

COMMENT ON REPRESENTATIONS RECEIVED

The District Council's Arboriculturalist considers that the Yew tree can be removed as it is inappropriate for the area. It is also extremely difficult to see the tree from any public view point.

ASSESSMENT OF PROPOSAL

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 three Yew trees in the rear garden are subject to topiary on a regular basis but are difficult to see from a public viewpoint. This application is to remove one of these trees and the arboriculturalist considers this to be acceptable as they dominate the rear gardens. The works to the Oak Tree are considered acceptable on the grounds of safety and good husbandry.

It is therefore recommended that the application be approved subject to the conditions set out overleaf.