

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** AW/164/14/T**LOCATION:** Minton
3 The Ridings
Aldwick Bay**PROPOSAL:** To fell 1 No. Holm Oak Tree & replace with 1 No. Copper Birch or 1 No. Sambucus Nigra (Elder)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The tree the subject of this application.
BOUNDARY TREATMENT	1.5 metre high hedge to front boundary. 1.8 metre high fencing to side (no. 2) and mature vegetation to side (no.4).
SITE CHARACTERISTICS	Detached two storey dwelling with gardens to front and rear.
CHARACTER OF LOCALITY	Conservation Area. Private residential estate comprising large detached dwellings of various character and design in tree lined avenues.

RELEVANT SITE HISTORY

AW/193/12/T	Fell 1 No. Purple Leaf Plum tree and prune multiple growths from previous lopped points low in the primary branching structure of 1 No. Eucalyptus tree.	ApproveConditionally 17-09-2012
AW/218/12/T	Fell 1 No Arbutus Unedo (Strawberry) tree	Withdrawn 03-10-2012
AW/226/12/T	Reduce crown by 4.5m to 1 No Strawberry (Arbutus Unedo) tree	ApproveConditionally 23-10-2012

No comments

REPRESENTATIONS**Representations received:**

Aldwick Parish Council

Members agreed that the Arun Arboriculturalist is consulted regarding the application and that his recommendations/decision is applied.

Conservation Area Advisory Committee:-

Objection - Query the necessity to fell Holm Oak.

One (1) letter of objection received:-

On Friday we arrived home to find an application to fell a holm oak tree. This tree takes pride and place in our garden and we know it also has a TPO on it. Our neighbours Mr and Mrs Oakley Minton of 5 The Ridings Aldwick Bay own the holm oak tree. But as you can see from the pictures attached they have fenced the tree in our garden which we do not have a problem with. We ourselves this year sadly had to lose our own holm oak tree due to storm damage which you yourself may remember. We are objecting very strongly to the application to fell this tree. It is not deemed to be unsafe or diseased.

Comments on Representations received:

Aldwick Parish Council - comments noted.

Conservation Area Advisory Committee - comments noted.

Letter of objection - comments noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Council's Arboriculturalist:-

Species: Holm Oak Quercus ilex Height: 10 meters Average Crown Spread: 2.5 meters
Condition: Fair to poor Vitality: Fair Age Class: Semi Mature

- Outlined tree lies in the conservation area of Aldwick Bay, high amenity landscape with young, semi mature, mature, and over mature trees specimens present.
- The outlined tree has evidence of extensive historical damage in the crown. It appears to be storm damage, as multiple limbs have breakouts and regrowth at similar heights. (judging by the age of the regrowth I'm predicting the 87 storm is a likely candidate)
- There has been no 'tidying' up of these wounds, which has led to large sections of die back of the main limbs, and the regrowth around these points
- The overall vitality of this tree does appear to be good. The crown spread and age class does suggest this tree has struggle somewhat to fill out into a more natural open grown form.
- It is also apparent that the tree has got a lean towards a neighbouring property, and although the height of the tree and the distance to the dwelling does not overlap currently, future growth could lead to an overlap (can grow to 30 meters at maturity).
- The basal area did appear to be ok, however there was a small area of decay (less than 5%); there was no evidence of pathogens.

Recommendation:

- It would be therefore be my recommendation that this tree should be felled, as it has a poor growth form and is likely to led to future problems

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation Applicable to Site:-

Adopted Local Plan
Tree Preservation Order
Conservation Area
Spec Cont Advts
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under References ID 36-090-20140306 and 36-091-20140306, 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 Holm Oak is situated on the rear boundary of the property known as 3 The Ridings, Aldwick. The tree is clearly visible within the street scene of The Ridings and is also visible from Tithe Barn Close to the rear. Despite the presence of the tree within the street scene the Council's Arboriculturalist has assessed the tree to have poor growth form which is likely to lead to future problems. As such the recommendation is made by the Council's Arboriculturalist that the tree should be felled and a replacement tree planted.

The removal of this tree will have a considerable impact upon the street scene. However, the proposed replacement will go some way to alleviate the potential visual amenity harm caused by the felling of this tree.

Therefore, it is recommended that this application is approved subject to the following conditions.

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 applicant shall during the next planting season following the felling of the 1 No. Holm Oak, the subject of this application, plant a replacement tree with a mature growth height of between 5 and 14 metres, in a position approved by the Local Planning Authority and under its supervision and in the event that any such tree dies within five years following such planting it shall be replaced by a similar tree in a similar position 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 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.

- 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.