

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

REF NO: **AW/171/14/T**

LOCATION: Land Adjacent Malmaynes
 Strange Garden Estate
 Dark Lane Aldwick

PROPOSAL: Prune 1No. Holm Oak tree on northside by up to 2m and reshape upper canopy where needed. Crown lift growth over the road up to 1 metre.

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	Various types of boundary treatment - some open, some screened with hedging, fencing and 1m brick walls etc...
SITE CHARACTERISTICS	The tree is located within the Strange Gardens Estate, which is largely composed of two storey detached dwellings, however there is also an apartment block within the site.
CHARACTER OF LOCALITY	Predominantly residential.

RELEVANT SITE HISTORY

AW/119/10/T	Surgery to various trees.	ApproveConditionally 28-07-2010
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No comments

REPRESENTATIONS

Representations received:

Aldwick Parish Council
Aldwick Parish Council:-

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

Comments on Representations received:

Comments noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Council's Arboriculturalist:-

Comments on Application:

- This tree is on situated on a highly visible grass verge, within the col-de-sac of Dark Lane, Aldwick.
- The outlined tree has evidence of historical heavy pruning (pollarded at 1 meter, then a reduction at about 4 meters). This has caused a very open formed crown with many primary limbs.
- This tree does have a fairly natural crown (although the NE side is fuller to compensate for the prevailing wind coming in from an SW direction)
- It is evident a few branches have grown towards and are now encompassing the given street light. These branches only protrude out of the natural line of the canopy by a maximum of one meter, and have obviously been effected by the artificial light.
- It is also evident that the canopy roadside is contacting vehicles as they use the highway (included bark and some minor damage to the lowest branches roadside). This damaged branches all appear to be at around 3 meters.

Conclusions:

- It would be therefore my recommendation that the canopy of this tree is pruned back away from the street light by 1 meter, as this would leave a more even form to the crown. This would mean the reduction of 4 x small/medium lateral limbs by the 1 meter allowed for.
- I would also like to approve the crown raise roadside of 3 meters. This would mean the removal of a number smaller diameter branches that are already showing abiotic damage from passing underneath this tree.
- As what has been approved above should not affect the overall form, there should be no need to reduce any other lateral branches.
- Also I would recommend that the height is not reduced as it would have a drastic effect on the appearance of this particular tree. This tree is planted with plenty of space and should be left to reach its natural height before height reductions are considered.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designations applicable:-

Adopted Local Plan
Tree Pres Order
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 tree is a prominent feature within the street scene and provides a considerable contribution to the visual amenity of the area.

The application sought a reduction of the north side of the tree by up to 2 metres - however, the Council's Arboriculturalist has advised that pruning of up to 1 metre would be more appropriate in order to maintain a more even form to the crown. This amendment to the description has been agreed by the applicant and as such, subject to this change and the following conditions the application is recommended for approval.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works hereby approved shall involve the pruning of 1 No. Holm Oak tree on north side by up to 1 metre; reshaping of the upper canopy where needed; and a crown lift of up to 1 metre over the road. Where whole branches are to be removed final cuts close to the trunk or branch union are to be made as shown in Figure 2 of BS3998:2010 and all branches which need to be shortened are to be cut at the correct angle and adjacent to a live bud or lateral as defined and illustrated in BS3998:2010.

Reason: In the interests of the trees continued health and vitality and to accord with current arboricultural industry guidelines and sound arboricultural practice.

- 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 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.