

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

REF NO: **AW/185/12/T**

LOCATION: Little Turrets
 89 The Fairway
 Aldwick

PROPOSAL: Cut 6 branches back to 1 no monterey cypress tree

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	Low wall supplemented by plants and vegetation.
SITE CHARACTERISTICS	Detached two storey dwelling constructed from brick painted white with timber cladding to upper floors and thatch roof.
CHARACTER OF LOCALITY	Conservation Area. Private residential estate comprising large detached two storey mock Tudor dwellings.

RELEVANT SITE HISTORY

The Monterey Cypress is located within the front garden of the application property. The tree is mature with a large spreading canopy that is visible from the wider streetscene along The Fairway and The Ridings.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturist

Conservation Officer

Consultations responses received:

Arboriculture: Objection. I have inspected the Monterey Cypress and understand the need for lower branch removal to facilitate access beneath its crown. There is scope to allow for some of

the lower branches to be cut back to a minimum wound size without it affecting the remainder green outer shell.

CAAC: No objection.

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 Monterey Cypress Tree is located on a verge towards the front of the property. It has a large spreading canopy that is visible from the wider locale along The Ridings and The Fairway, and is considered to have significant public amenity value.

The application seeks to cut back six branches overhanging the front garden of the application property by 10 metres, in order to reduce excessive shading of the garden.

The Council's Arborist raises an initial objection and recommends that there is scope for some lower branch removal, in order to facilitate access beneath the crown of the tree. It is recommended that the six lowest limbs varying in diameter of 100mm to 160mm are removed to create a 2 metre distance from the ground to the next whorl of branches. A condition is recommended to this effect.

It is therefore recommended that consent is granted for lesser branch removal, 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 in accordance with policy GEN7 of the Arun District Local Plan.

- 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 in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Notwithstanding the details hereby approved, six lowest limbs varying diameter of 100mm to 160mm to be removed ONLY from the garden side to create a 2 metre clear distance from the ground to the next whorl of branches.
Wounds must be kept minimal by target pruning to the bark branch ridge/collar and cut to produce a smooth flat surface.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 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 amendd) 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.