

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** AW/200/13/T**LOCATION:** Easter Cottage
Aldwick Street
Aldwick**PROPOSAL:** Reduce the west side by 2 metres, prune back branches near house and telephone wires and remove 1-2 metres from the height to create the shape back to previous pruning to 1No. Walnut Tree.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	Predominantly flat.
TREES	The Walnut Tree subject of this application is the only tree to be affected by the proposed development.
BOUNDARY TREATMENT	A flint wall approximately 2 metres high lies between the Walnut tree and Aldwick Street, to the front of Easter Cottage.
SITE CHARACTERISTICS	The site is a two storey white rendered detached property with a slate roof.
CHARACTER OF LOCALITY	The site is located along a road dominated by residential accommodation, with the exception of a small number of commercial premises.

RELEVANT SITE HISTORY

AW/102/97/T	Removal of branches by 30% adjacent to property of one Walnut tree	ApproveConditionally 06-08-1997
AW/61/09/T	Reduce crown of 1no. walnut tree by 25%	ApproveConditionally 29-05-2009
BR/127/52	Garage	Refused 28-11-1952
BR/127/52/B	Alterations and additions	Approve 12-04-1954
BR/592/70	Study patio and extension to lounge	Approve 20-11-1970

Application AW/61/09/T allowed the reduction of the crown of the Walnut Tree by 25%. The current application seeks in part to return to this previous pruning point.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council - Members agreed that the Arun Arboriculturist is consulted regarding this application and that his professional recommendation is applied.

Comments on Representations received:

The arboriculturist has been consulted and has raised no objection to the proposal.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

District Arboriculturist: "Please note that I have surveyed the Walnut tree and do not object to the application for tree works. All tree reduction work should be carried out in accordance with BS3998 (2010). Informative: Walnut trees are best pruned in late summer to aid/quicken healing."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area; and
Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 their impact on the amenity of the area.

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

It is understood that the tree has not been managed since late 2009 and is becoming too big for the area in which it is located. The tree is located within the front garden of Easter Cottage, adjacent to a flint wall that forms the front boundary.

The tree is relatively large in size and is readily visible from the street scene, as such the tree is deemed to be of significant visual amenity value and any works performed should be done so in order to preserve the health and appearance of the tree.

The District Arboriculturist has inspected the tree and has advised that the proposed pruning would be acceptable and necessary for the wellbeing of the tree. The arboriculturist has emphasised that the work must be undertaken between June and September, outside this time, Walnuts can bleed and eventually die. It is therefore considered appropriate to recommend a condition to this effect.

It is therefore recommended that the application be approved, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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.

- 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 works hereby approved shall involve the following works to this Walnut Tree:

- (1) Reduction of the west side by 2m;
- (2) Pruning of branches close to the house and telephone wires; and
- (3) reduction of the height by 1-2m.

All works should be carried out in accordance with BS3998: 2010 "Recommendations for Tree Work".

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 4 The proposed works shall be carried out between June and September.

Reason: Outside this time, Walnuts can bleed and die. In accordance with BS3998:2010 "Recommendations for Tree Works".

- 5 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.

- 6 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.