

TREE WORKS CONSENT REPORT

REF NO: AW/216/11/T

LOCATION: 3 The Drive and boundary between
1 The Drive and Barrack Lane
Aldwick

PROPOSAL: Various tree surgery

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to:

- remove 3 lateral limbs and a reduction in height by 25% to 1No Eucalyptus tree on the side boundary adjoining No. 3;
- reduce the height of 2No Holm Oaks by 25% and raise the crown base by 4 metres on a grass verge to the west of the drive entrance of No.1;
- reduce 2No. Leyland Cypress trees by approximately 20% (to the height of previous pruning works) and reduce a third Leyland Cypress to match the above in the front/side garden of No.1; and
- reduce the height of 1No. Holm Oak by 25% located on the roadside to the north of the cypress trees.

SITE AREA

RESIDENTIAL DEVELOPMENT DEN N/A

TOPOGRAPHY Predominantly flat

TREES The trees the subject of this application and numerous mature and semi-mature trees on the application site.

BOUNDARY TREATMENT Front and side boundaries comprise 1.8 metre close boarded timber fencing and mature trees and vegetation.

SITE CHARACTERISTICS No. 1 is a Mock Tudor, two storey dwelling constructed from brick with white rendered gables, timber and tile hanging. The property occupies a corner plot at the the entrance to The Drive. No. 3 is a modern, two storey detached dwelling constructed from brick.

CHARACTER OF LOCALITY Predominantly residential, comprising a private estate of detached two storey dwellings of varied designs and styles in large plots in the Craigweil House Conservation Area.

RELEVANT SITE HISTORY

AW/307/87/T	Lop three evergreen Oak trees	Approve Cond 21-12-1987
AW/172/98/T	Crown reduction and shaping to 4No Oaks	Approve Cond 18-12-1998
AW/140/02/T	Crown reduction and shaping of 4 No Oak Trees	Approve Cond 12-09-2002
AW/163/04/T	Application to reduce the crowns of 2no. Holm Oak trees by 30%, reduce the height of 2no. Leyland Cypress trees by 30% and to reduce the height of the east stem of 1no. Holm Oak tree by 5m.	Refused 24-09-2004
AW/238/04/T	Application to reduce crowns of 3 no. Holm Oak Trees by 20% and clean the crowns of dead and broken branchwood	Approve Cond 22-12-2004
AW/92/09/	Single storey side extension and garage conversion.	Approve Cond 04-11-2009
BR/717/71	New garage and car port	Approve 08-12-1971
BR/835/72	3 houses and garages	Approve Cond 30-11-1972
BR/211/73/T	One Macracarpa	Approve 03-04-1973
BR/274/77	New front boundary wall	Approve Cond 05-10-1977

REPRESENTATIONS**Representations received:**

Aldwick Parish Council

No objection. Members agreed that the Arun Arboriculturist is consulted regarding this application and that his professional recommendations/decision is applied.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturalist

Conservation Officer

Conservation Area Advisory Com

Consultations responses received:

Arboriculturist: There are 3No. Evergreen Oaks along Barrack Lane in a line from the northeast

to the southwest. The application refers to these as 2No Holm Oaks to the west of the drive entrance and a large Holm Oak standing on the roadside and north of the above cypress. Considering the slightly defective main stem and branching structure, the reduction works to the Holm Oaks (of 25%) are acceptable and would specify a maximum amount of 2 metres to be removed from the top growth and 1 metre from the side growth. No reason has been provided for the 4 metre crown lift and would therefore allow a crown raise of 2.5 metres. The reduction of the 3 Leyland Cypress and 1 Eucalyptus for the reasons provided in the surgeons report is acceptable. There was no instruction for the Holly.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Article 4 Direction

Tree Preservation Order 2/58

No public sewer

Conservation Area

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 pruning works are required in order to increase light to the property and garden, and prevent damage from high sided passing vehicles.

The Eucalyptus tree is approximately 14 metres in height and is located in the rear garden of

No.1, on the side boundary adjoining No. 3 The Drive. The tree has limited public amenity value, being at the rear of the plot. The Arboriculturist raises no objection to the proposed works.

The Leyland Cypress trees are located in the front garden of the boundary, close to the side boundary, fronting Barrack Lane. The trees are well screened by mature Holm Oaks and other mature trees on the side boundary, such that they have minimal public amenity value. No objection is raised by the Arboriculturist to the proposed works.

With regard to the Holm Oaks, these are mature trees, two of which are prominently located on a grass verge to the west of the main driveway to No. 1, and the third located on the roadside fronting Barrack Lane. Being mature trees of significant height and spread and located at the front of the property, these trees are considered to have more public amenity value.

The Arborist comments that given the slighting defective main stem and branching structure, the reduction in height of 25% to the Holm Oaks is considered acceptable, but a maximum amount of 2 metres is to be removed from the top growth and 1 metre from the side growths should be specified. No clear reason is given for the crown lift of 4 metres to the 2No Holm Oaks on the grass verge at the front of the boundary. The Arborist therefore recommends a crown raise of 2.5 metres.

The applicant is in agreement with the Arborist's recommendations. It is therefore recommended that consent is granted for the above tree works, 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 in accordance with policy GEN7 of the Arun District Local Plan.

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

- 3 The works hereby approved shall involve :
the removal of 3 lateral limbs on the west side and reduction in height by 25% to 1No Eucalyptus Tree;
the reduction in height of 3No. Leyland Cypress Trees by 20%;
the reduction in height of 2No. Holm Oaks by 25% with a maximum amount of 2 metres removal from the top growth and 1 metre from the side growth and a crown raise of 2.5 metres;
the reduction in height of 1No. Holm Oak by 25% with a maximum of 2 metres removal from the top growth and 1 metre from the side growth.

All works shall be carried out in accordance with BS3998: 1989 Recommendations for Tree Works.

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.

- 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.