

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

REF NO: **AW/222/12/T**

LOCATION: 17 Willowhale Avenue
 Aldwick

PROPOSAL: Fell 1 No Holly tree, fell 2 No Silver Birch trees and crown reduce 1 no Willow tree by 2.5 meters

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 brick wall to front supplemented by hedging, 1.5 metres high. Timber panel fencing and hedging to side boundaries and rear.
SITE CHARACTERISTICS	Detached two storey dwelling constructed from brick with hipped, tiled roof, render at first floor level and front gable.
CHARACTER OF LOCALITY	Residential road comprising detached two storey dwellings of various character and design.

RELEVANT SITE HISTORY

AW/6/97/T	Fell 3 Birch and 1 Lleylandii Cypressus. Top 2 PP Not Required Lleylandii Cypressus, 1 Hawthorn & 1 Holly. 07-02-1997 Reduce height of 1 Willow & 2 Birch trees.
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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 Arboriculturist

Consultations responses received:

Arboriculture: No objection. I have inspected the trees to the rear of the garden boundary. The Holly Tree had already been removed. This was a small and insignificant tree. The two Silver Birch Trees are diseased with visible decay of primary branches and decay at the main stem root flare (*Ganoderma australe*). Due to poor condition, their removal is acceptable and it is recommended that both are replaced in accordance with the TCPA. The Willow Tree reduction by 2.5 metres is acceptable and should be carried out in accordance with BS3998 (2010).

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 application seeks consent to fell 1no. Holly Tree (T1), 2no. Silver Birch Trees (T2, T3) and crown reduce 1no. Willow Tree (T4) by 2.5 metres.

The trees are located in the rear garden of the application property. They are not readily visible within the streetscene along Willowhale Avenue, being located close to the rear boundary of the property. As such, they do not make a significant contribution to public amenity.

The Council's Arborist has inspected the trees and notes that the Holly Tree (T1) has already been removed. This Tree is small and insignificant, therefore no objection is raised to its loss. In

relation to the two Silver Birch Trees (T2, T3) both trees are diseased with visible decay of primary branches and at the main stem root flare. The trees are in poor condition and no objection is raised to their removal. The Council's Arborist recommends that these trees are replaced. The proposed Crown Reduction of 2.5 metres to the Willow Tree (T4) is acceptable.

It is therefore recommended that consent is granted, 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 The Crown Reduction of the Willow Tree shall not exceed the removal of branch lengths greater than 2.5 metres. All pruning cuts shall must leave healthy, leaf bearing side branches which are 1/3 or greater in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible and cut at an optimum angle leaving the branch collar intact. Pruning wounds of all removed live branches must not exceed 100mm in diameter.

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 The applicant shall during the next planting season following the felling of the trees, the subject of this application, plant replacement Silver Birch Trees as standard and in positions approved by the Local Planning Authority and under its supervision. Tree planting should be carried out between the months of November-February 2013. In the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: In order to ensure continuation of specimen trees in the interests of retaining good healthy and visually amenable natural features in the urban environment in accordance with policy GEN7 of the Arun District Local Plan.

- 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.