

APPLICATION REF: AW/234/07/T

TREE WORKS TO TPO TREES REPORT

DESCRIPTION/ ADDRESS	- Application to reduce the overall volume of one Willow tree by 30%, 119 Manor Way, Aldwick.
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	The Willow tree the subject of this application.
BOUNDARY TREATMENT	Rear boundary has bamboo type fencing approximately 2m in height, east side boundary has close boarded fencing + hedging 2m-2.5m in height, west side boundary has hedging/shrubs approximately 3m in height.
SITE CHARACTERISTICS	Detached two storey property with attached garage and gravel driveway, summer house in rear garden. The property has yellow painted brickwork with white cladding on upper half, white PVCu windows with a thatched roof.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area Estate comprising large detached properties of various styles and designs some of notable character.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
AW/194/04/T	Lopping of 1 Willow tree.	Approved/Conditionally 20-10-2004.

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Aldwick Parish Council	Objection – members believed that a 30% reduction was excessive but could be persuaded to support a 15% reduction.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Council's Arboriculturist	Application has been made to reduce the overall volume of the Willow tree and this is basically a repeat application to works approved three years ago. This reduction will preserve the ongoing health of the tree and to ensure that it is kept in a reasonable condition.
Conservation Area Advisory Committee	No comment.

POLICY CONTEXT

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Within Built Up Area Boundary
 Tree Preservation Order 2/58 G58
 Within the Aldwick Bay Conservation Area

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : DEV1, CH4
 Arun District Local Plan : GEN7, AREA2

PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development
 Circular 36/78
 DETR TPO's: A Guide to the Law & Good Practise

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPO's are not specific to trees.

COMMENT ON CONSULTATION RESPONSES

Noted and agreed.

COMMENT ON REPRESENTATIONS RECEIVED

Noted. The Council's Arboriculturist has inspected the Willow tree and has no objection to the overall reduction of 30% to preserve the health and condition of the tree.

ASSESSMENT OF PROPOSAL**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 situated in the rear garden of the property in the south east corner and is clearly visible at the front of the site in between the properties 118 and 119 Manor Way.

The tree is of a considerable height and volume and a previous application AW/194/04/T to lop the tree was previously approved in 2004. The Council's Arboriculturist has inspected the tree and has no objection to the 30% overall reduction to the tree for its continued health and symmetry of the tree.

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CONCLUSIONS

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



RECOMMENDATION

AW/234/07/T

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE
PRESERVATION ORDER)
REGULATIONS 1999**

RECOMMENDATION

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1 To Addressee**2 Site Address**

Mickleham Cottage
119 Manor Way
Aldwick

3 Description of Development

Application to reduce the overall volume of one Willow Tree by 30% .

4 In pursuance of their powers under this Act and these Regulations the Council GRANT consent for the operations to be carried out in accordance with the application and plan and subject to the conditions specified.

The Council certify that they are satisfied that the conditions specified are in the interests of good forestry or in the case of trees other than those comprised in woodlands, that the trees have an outstanding or special amenity value.



RECOMMENDATION

AW/234/07/T

- CONDITION 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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- CONDITION 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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- CONDITION 3** The works hereby approved shall involve the reduction of the overall volume of one Willow tree to a maximum of 30%. All works shall be carried out in accordance with BS3998: 1989 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with Policy DEV1 of the West Sussex Structure Plan and Policy GEN7 of the Arun District Local Plan.

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.

Case Officer: Mrs J Chapman