

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** **AW/23/13/T****LOCATION:** 9 Chawkmare Coppice
Aldwick**PROPOSAL:** Fell 1 no. Beech tree and reduce tops of 2no. Beech trees by 4 metres**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	None to front. 1.8 metre high fencing to rear supplemented by belt of mature trees.
SITE CHARACTERISTICS	Detached two storey modern dwelling constructed from brown brick.
CHARACTER OF LOCALITY	Residential cul-de-sac of detached and chalet bungalows of modern character and design.

RELEVANT SITE HISTORY

AW/182/87/T	Top one pine tree	Refused 03-08-1987
AW/114/06/T	Fell 4 No. Beech trees and surgery to 2 No. Beech trees.	Refused 19-06-2006
BR/349/84	Two detached houses with garages	Approve Conditionally 27-06-1984
AW/210/86/T	Application to fell 3 poplar trees	Approve Conditionally 26-11-1986

REPRESENTATIONS**Representations received:**
Aldwick Parish Council

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

West Sussex Wildlife Protection: Object. No felling unless dead or dangerous.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Arboriculture: I have inspected the trees within the rear garden of the property. They grow in a line possibly to provide screening. They have since outgrown this function. The larger Beech lost its 'leader' either naturally or as the owner has said, 'being cut' many years ago (estimated to be 10 years ago). This has caused pronounced lateral branch growth where the lateral branch growing towards the house northwards has distorted possibly by gnawing squirrels. There is damage of gnawing near to the lost leader. The smaller trees have been directly competing for light where branches have been 'drawn up' to become 'whippy'. Removing the larger Beech and reducing the remainder smaller main stem diameter trees should allow for a better stand of balanced crown growth as individual, rather than coalesced groups of Beeches.

Recommendation: The applicant seeks to fell the larger tree and reduce the two trees in the line further to the north by 4 metres. This would appear in the long term a sensible suggestion and should be granted consent.

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 to fell 1no. Beech Tree and reduce the tops of 2no. Beech Trees by 4 metres further to the north. The trees are located in the rear garden of no.9 Chawkmere Coppice, Aldwick, and form part of a group of trees that run parallel to and are visible from Fish Lane. The canopies of the Beech Trees are visible above the roofline of the property in Chawkmere Coppice. Collectively, the trees are considered to make a contribution to public amenity.

The works are requested in order to reduce excessive shading of the rear garden of the application property.

A previous application refused consent to fell 4no. Beech Trees and for surgery to 2no. Beech Trees(AW/114/06/T) on the grounds that the trees contributed to public amenity and their loss would be harmful to the visual amenities of the area.

The Council's Arborist has inspected the site and comments that the original function of the Beech Trees, to provide a line of screening, has outgrown this function. Substantive comments are provided by the Council's Arborist above. In essence, the proposal to fell the larger Beech Tree and reduce the remaining smaller Beech Trees by 4 metres is supported, as this will allow for a better balanced growth as individual trees, rather than as a coalesced group of Beech Trees.

It is considered that the felling of 1no. Beech Tree and the reduction of the height of 4no. Beech Trees by 4 metres will not therefore be detrimental to the visual amenities of the area. It is recommended that consent is granted, subject to the conditions summarised 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.

- 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.

- 3 The tree pruning work shall be carried out in accordance with BS3998 (2012) and shall target pruning cuts. The final pruning cuts to the 2no. Beech Trees shall not exceed 4 metres in length top growth removal, to leave healthy bud bearing side branch growths with no stubs. Wound sizes shall not exceed 100mm in diameter.

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

- 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.