

TREE WORKS CONSENT REPORT**REF NO:** AW/240/11/T**LOCATION:** The twitten between
43 Regis Avenue & 36 The Fairway
Aldwick**PROPOSAL:** Reduce crowns of 5 no. Poplar trees by 30% and fell 1 no. Pine tree.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees the subject of this application.
BOUNDARY TREATMENT	Side boundaries to walkway close boarded fencing and brick wall approximately 1.8m-2m in height.
SITE CHARACTERISTICS	Private walkway belonging to the residents of the Aldwick Bay Estate between properties No 36 The Fairway and 43 Regis Avenue.
CHARACTER OF LOCALITY	Private residential estate comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

AW/16/98/T	Reduce in height & re-pollard 6 Poplar trees, reduce in height and shorten extending laterals of 2 Willow trees	Approve Cond 27-02-1998
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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:

Noted

See Arboculturist's recommendation.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Council's Arboriculturalist

The felling of the Pine and re-pollard of the Poplar trees is acceptable. There is no arboricultural justification for felling the 5th Poplar tree and would recommend that this be re-cut to the old pollard height.

Comments on Consultation responses:

Comments noted

The applicant has been consulted regarding the Poplar tree and has agreed the comments by the Arboriculturalist to carry out surgery to the tree rather than felling.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order 2/58

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

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 mature Lombardy Poplar trees and the Pine tree are sited in a well used walkway between properties No 43 Regis Avenue and 36 The Fairway.

The Lombardy Poplars as annotated on the forms marked 1,2,3 & 6 are approximately 15m in height and have previously been pollarded about 8-10 years ago and the application seeks to reduce the crowns by 30%. The fifth Lombardy Poplar tree is growing in a confined space within the walkway and is in a poor state of health with broken branches and the application seeks to fell this tree as it has grown too large for its position. The Pine tree marked 4 is in close proximity to tree No 5 and the whole stem is absent and there is a limb overhanging the adjacent garden. In

view of its confined space and general health the application seeks to fell this tree.

The Council's Arboriculturist has inspected the trees and has raised no objection to the felling of the Pine tree and reduction to previous pollard height to the 4 Poplar trees. However, he has raised an objection to the felling of the 5th Poplar tree and has recommended that it be re-cut to the old pollard height. The applicant has been consulted and has agreed to this surgery.

It is therefore recommended to approve the application, 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 reduction of 5 no. Poplar trees to previous pollard height to a maximum of 30%. Fell 1 no. Pine tree.
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.

- 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

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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.