

TREE WORKS CONSENT REPORT**REF NO:** AW/261/11/T**LOCATION:** 15 Craigweil Lane
Aldwick**PROPOSAL:** Section fell 1 no. poplar tree**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 890 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree the subject of this application, together with a mature Holm Oak and English Oak in rear garden.
BOUNDARY TREATMENT	None to front boundary. 2 metre brick and flint wall on rear boundary and 1.8 metre high close boarded timber fencing to side boundaries.
SITE CHARACTERISTICS	Detached, two storey modern dwelling constructed from brick with brown tile hanging to elevations and a brown tiled, pitch roof. Front integral garage.
CHARACTER OF LOCALITY	Predominantly residential, comprising detached two storey, modern dwellings in an open-plan residential estate.

RELEVANT SITE HISTORY

AW/25/92/T	Lopping and topping of 3 Common Oaks and one White Poplar	Approve Cond 05-03-1992
AW/125/95/T	Lop lower branches of 2 No. Oak trees	Approve Cond 17-11-1995
AW/77/04/T	Works to 1 Oak - prune east side of crown, 1 Holm Oak - reduce crown 30% and 1 White Poplar -reduce crown 50%	Approve Cond 30-06-2004
BR/161/75/T	Felling of 2 Cupressus Macracarpa	Approve Cond 02-04-1975

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:

Arboriculturist: The map attached to the plan incorrectly plots the trees which I presume are located to the rear garden of the above property. There appears to be only one White Poplar growing near to the English Oak in the rear garden. I detected broken branches in the crown of this tree which is poor in condition. If the application refers to this tree then I would accept its removal for the reasons stated.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

No public sewer

Tree Preservation Order

Right of Way

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 White Poplar Tree is located in the rear garden of the application property, adjacent to the side boundary with No. 17 and a mature English Oak Tree. The White Poplar is covered by Tree Preservation Order 2/58 and the English Oak is covered by Tree Preservation Order 210/10. The applicant requests to fell the Poplar Tree, as it is restricting the growth of the English Oak. Furthermore, there are a number of split, broken branches within the canopy of the tree that are falling onto the neighbouring property's garden.

At approximately 20 metres in height, the White Poplar is a mature tree with a large canopy. However, it is not readily visible from the streetscene, owing to its location within the rear garden, and has limited public amenity value.

The Council's Arboriculturist has inspected the tree and comments that the tree is in poor condition and has a number of broken branches. Given the tree's limited public amenity value and the fact that the tree is dangerous, no objection is raised to fell the tree.

It is therefore recommended that consent is granted, 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 felling of 1No. White Poplar Tree. 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.