

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** AW/269/15/TC**LOCATION:** 5 The Byeway
Aldwick**PROPOSAL:** Reduce height by 2.5m, reduce side branches on north west side, overhanging garden by 1.5m, crown thin by 33% & remove any rubbing or crossing branches to 1 No. Tree of Heaven within the Aldwick Bay Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	1125m2
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat
TREES	Various mature trees in rear garden include the Tree of Heaven under consideration in this application.
BOUNDARY TREATMENT	3m trees and hedges to boundaries.
SITE CHARACTERISTICS	Two storey detached property with hipped roof and gable end front bay, attached single storey front garage also with hipped roof. To the rear the dwelling has an existing first floor balcony. The house has a small garden to front with driveway and good sized garden to rear backing onto the beach.
CHARACTER OF LOCALITY	Large detached two storey properties of various styles with gardens and driveways to front and rear balconies/roof terraces which overlooking good sized gardens and the beach.

RELEVANT SITE HISTORY

AW/29/02/TC	Fell one Fir tree within the Aldwick Conservation Area	ApproveConditionally 19-04-2002
AW/142/15/HH	Replacement rear first floor balcony & guarding. Replacement weatherboarding cladding to front elevation & new cladding to rear & side elevations. This application affects the character & appearance of Aldwick Bay	ApproveConditionally 29-07-2015

Conservation area

None relevant.

REPRESENTATIONS

Representations received:

No comments received.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

CAAC- No objection.

ARBORIST

Comments:

- The tree cited in this application is located in the rear garden of 5 the Byeway.
- The outlined tree in this application is situated in a conservation area, and is not covered by an active TPO.
- From the site inspection it is evident that T1 has had previous pruning works that emulate the applied for pruning operations.

Recommendation:

- I have no objection to the proposed pruning operations.
- The following are suggested conditions;

Conditions:

Crown Reduction

All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

REASON: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

Crown Clean

The Crown Clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve 'end weight' and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

REASON: In the interests of the trees continued health and vitality and to accord with current

industry guidelines and sound arboricultural practice.

Crown Lift

Branches found within the clearance height having diameters greater than 100mm should be shortened and no more than 15% of the leaf bearing growth of that branch should be removed to facilitate the unobstructed free passage of vehicles and pedestrians.

REASON: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

Comments on Consultation responses:

Comments noted. As the tree is not covered by a TPO conditions cannot be added but they can be included as informatives to guide the tree works.

POLICY CONTEXT

Relevant Classifications:

Conservation Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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 Councils Arborist has been consulted on the application and raised no objection to the proposal subject to conditions, which will have to be included as informatives.

As such the proposed works are considered to preserve the visual amenity of the area and not harm the health of the tree.

Approval with conditions recommended.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 **INFORMATIVE:** All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

REASON: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 **INFORMATIVE:** The Crown Clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve 'end weight' and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

REASON: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 3 **INFORMATIVE:** Branches found within the clearance height having diameters greater than 100mm should be shortened and no more than 15% of the leaf bearing growth of that branch should be removed to facilitate the unobstructed free passage of vehicles and pedestrians.

REASON: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 4 **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.

- 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.