

TREE WORKS CONSENT REPORT**REF NO:** AW/271/11/T**LOCATION:** 27 Fish Lane
Aldwick**PROPOSAL:** Crown thin by approximately 30% to 2 No Sycamore trees**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 775 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees the subject of this application.
BOUNDARY TREATMENT	Front boundary is a low brick wall, side boundary adjoining No. 25 is a brick wall, approximately 1.5 metres high.
SITE CHARACTERISTICS	Detached modern, two storey dwelling constructed from brick and timber cladding with 2 bay front integral garage. Identical design and character to No. 29.
CHARACTER OF LOCALITY	Predominantly residential, comprising mixture of detached dwellings and bungalows of various different designs and styles.

RELEVANT SITE HISTORY

AW/139/89/T	Fell One Horse Chestnut Tree	Withdrawn 19-06-1989
AW/13/96/T	Lopping of 2 Sycamore trees	Approve Cond 23-02-1996
AW/225/00/T	Lopping of selective branches to 2 No. Sycamore trees, left side of house within garden boundary	Approve Cond 01-12-2000
AW/227/05/T	Prune back two Sycamore trees in garden of 27 Fish Lane and one Sycamore tree fronting 25 & 27 Fish Lane	Approve Cond 21-10-2005
AW/246/05/T	Lopping and topping of 2 Sycamore trees	Approve Cond 23-11-2005

AW/141/08/T	Application to fell 1 no. Sycamore tree	Refused 11-08-2008
BR/765/77	Outline for 3 no building plot	Withdrawn 19-06-1978
BR/510/78	Outline application for development for 2 no building plots	Approve Cond 02-08-1978
BR/627/78	Outline for one dwelling in garden and vehicular access	Approve Cond 04-10-1978
BR/337/79	Details in pursuance of BR/510/78 for erection of 2 no detached houses with garages	Approve Cond 18-07-1979
AW/60/86/T	Lop and shape one Sycamore tree including raising crown	Approve Cond 14-05-1986
AW/231/86/T	Lop one Horse Chestnut and two Sycamore trees	Approve Cond 10-11-1986

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 applicant proposes a crown thin by 30% of the Sycamore Trees and refers to work carried out in 1986. However, this would have been for lopping, i.e. cutting hard into the primary branching structure to produce excessive re-growths. I presume that similar work is what is now being proposed. Hard pruning known as lopping is unacceptable according to today's pruning BS standards. Re-addressing poor pruning and resultant excessive re-growths requires skill as a combination of 50% crown thinning and 50% reduction of those remaining branch re-growths to retain a crown with leaf budding and is recommended.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Class C Road

Tree Preservation Order

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

This a repeat application for a crown thin of 30% to 2No. Horsechestnut Trees located in the side garden of the application property. The trees are situated adjacent to the eastern boundary adjoining No. 25 and are covered by Tree Preservation Order 2/58, AW/92/10 and AW/94/10. Both trees are visible from the highway along Fish Lane and are therefore deemed to have some public amenity value.

The trees are mature with large canopies. The works are requested in the interests of good husbandry in order to prevent overhanging branches onto the neighbouring property at No. 25.

The Council's Arborist has inspected the trees and states that 'lopping' is unacceptable based on the current British Standard. A combination of 50% crown thinning and 50% reduction of those remaining branch growths, to retain a crown with leaf budding is suggested. This will ensure that the tree retains some leaf budding rather than reverting back to a pollard.

It is therefore recommended that the application be approved, 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 a combination of 50% crown thinning and 50% reduction of remaining branch re-growths to 2No. Horsechestnut Trees. 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 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.