

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** AW/297/12/T**LOCATION:** Aldworth House
91 The Fairway
Aldwick**PROPOSAL:** Fell 5 No Leylandi trees, fell 1 No Common Ash tree, fell 1 No Cherry tree, fell 1 No Pear tree and fell 1 No Chamaecyparis Boulevard tree**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	1.5-1.8 metre high brick wall and gates to front boundary. East boundary has hedging. Rear and west boundary is 1.8 metre high close boarded timber panel fencing. Row of conifers on rear boundary.
SITE CHARACTERISTICS	Detached two storey dwelling with white rendered walls and shallow slate tiled roof.
CHARACTER OF LOCALITY	Aldwick Bay Conservation Area. Private residential estate of detached two storey dwellings in landscaped grounds, some of mock Tudor design.

RELEVANT SITE HISTORY

AW/167/07/T	Fell one Cypress Macrocarpa Tree	Approve Conditionally 27-07-2007
AW/241/09/TC	Removal of 1 no. Leylandii & Macrocarpa hedge (within the Aldwick Bay Conservation Area)	No Objection 12-02-2010
AW/83/12/	2 storey side extensions to replace single storey wings.	Approve Conditionally 17-05-2012
AW/108/12/TC	Fell 1 No. Bird Cherry tree and 5 No. Leylandii trees within the Aldwick Bay Conservation Area.	No Objection 01-06-2012

AW/137/12/	First floor rear extension	Withdrawn 18-07-2012
AW/230/12/	Extension to kitchen and first floor extension above (resubmission following AW/137/12/)	Approve Conditionally 01-11-2012
AW/232/12/T	Fell 2 No Leylandii trees	Approve Conditionally 07-11-2012

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 Trust: No felling unless dead or dangerous.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist
Conservation Officer

Consultations responses received:

Arboriculture: No objection. The trees for removal have been inspected and found to have limited visual amenity. Their recommended replacement by the nurseryman is welcome. In summary, the tree felling work is acceptable and their suggested replacements are supported.

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 consent to the following protected trees:-

- fell 5no. Leylandii in rear garden
- fell 1no. Common Ash Tree in rear garden
- fell 1no. Cherry Tree in front garden
- fell 1no. Pear Tree in front garden
- fell 1no. Chamaecyparis Boulevard in front garden

The Leylandii and Ash Tree are located on the rear boundary and contribute little to public amenity. The Cherry Tree, Pear Tree and Chamaecyparis Boulevard (Cypress) are located in the front garden. These are small, ornamental trees that are not considered to make a significant contribution to public amenity.

It is proposed to replace the Leylandii with 18 Laurel Trees, the Cherry Tree and Chamaecyparis with Liquidambar Worplesdon (Sweet Gum).

The Council's Arborist has inspected the trees and comments that the trees have limited visual amenity. No objection is therefore raised to the felling of the trees, subject to their replacement with the recommended species as specified in the application.

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 applicant shall during the next planting season following the felling of the trees, the subject of this application, plant replacement trees of a species and maturity and in positions approved by the Local Planning Authority and under its supervision and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 3 **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.

- 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.