

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (

REF NO: **AW/307/12/T**

LOCATION: 1 West Drive
 Aldwick

PROPOSAL: 1m Crown Reduction to 1 Red Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	None.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Red Oak tree the subject of this application but various trees within the site.
BOUNDARY TREATMENT	Front has dwarf wall + hedging approximately 1.8m in height, side boundaries close boarded fencing.
SITE CHARACTERISTICS	Detached two storey property with detached garage on side. The property is rendered painted cream with a red tiled roof.
CHARACTER OF LOCALITY	Within the Aldwick Bay Estate. Properties of various styles and designs, many of which are on substantial plots.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Members agreed that the Arun Arboriculturist is consulted regarding the application and that his professional recommendations/decision is applied.

1 Letter of Objection

The West Sussex Wildlife Protection Group opposes the application on the basis that no surgery unless dead or dangerous.

Comments on Representations received:

Parish Council and Objection comments noted
See Arboriculturist's recommendation.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

I have met with the owner and discussed the tree work. The applicant has suggested a 4m crown reduction in the application. However, this is excessive as it would leave branchless stems to appear as a stumpy, lopped and unsightly structure. A lesser amount is recommended for the purpose of marginally increasing light to the property. Other smaller trees were discussed with a suggestion to have them reduced. This would provide the applicant with an increase in light availability without affecting/causing undue stress by the unnecessary pruning of the mature Red Oak.

Comments on Consultation responses:

Noted and agreed subject to condition.

POLICY CONTEXT

Designation applicable to site:

Built Up Area

Tree Preservation Order AW/279/10.

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 Red Oak tree is the subject of Tree Preservation Order AW/279/10. It is sited in the front garden of the property in the south east corner and is readily visible to the front of the site being of public visual amenity.

The application seeks to reduce the tree by 4m to allow more light into the front garden. The Council's Arboriculturist has met with the owner and discussed the tree work. He has recommended that a 4m crown reduction would be excessive and leave branchless stems and has suggested that a crown reduction to a maximum of 1m with pruning cuts would be acceptable. The applicant is happy to accept his recommendation.

It is therefore recommended that the application is approved, subject to 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 to the Red Oak tree shall involve:

Crown Reduction - The reduction must not exceed maximum branch lengths of 1m.
All pruning cuts must leave healthy leaf bearing side branches which are 1/3rd or greater in diameter of the removed branch.
Pruning cuts must be flat and smooth, kept as small as possible and cut at an optimum angle leaving the branch collar intact.
Pruning wounds of all removed live branches must not exceed 40mm in diameter.
All works shall be carried out in accordance with BS3998: Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and 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 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.