

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

**REF NO:**        **AW/320/11/T**

**LOCATION:**    1 Lichfield Gardens  
                 Aldwick

**PROPOSAL:** Crown lift 1no. Scots Pine by 5 metres, crown thin by 5% & remove deadwood.  
Crown lift 2no. Corsican Pines to 5 metres, crown thin by 5% & remove deadwood.

**SITE AND SURROUNDINGS**

|                             |                                                                                                                      |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above                                                                                                             |
| SITE AREA                   | Approximately 872 sq metres                                                                                          |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                  |
| TOPOGRAPHY                  | Predominantly flat                                                                                                   |
| TREES                       | The trees the subject of this application and various mature trees in and around the application site.               |
| BOUNDARY TREATMENT          | Front boundary comprises fir trees, approximately 2 metres high, 1no. Scots Pine and 2no. Corsican Pines.            |
| SITE CHARACTERISTICS        | Detached two storey dwelling constructed from yellow brick with a pitch tiled roof and front integral garage.        |
| CHARACTER OF LOCALITY       | Residential cul-de-sac comprising modern detached dwellings of similar design and appearance in an open plan estate. |

**RELEVANT SITE HISTORY**

|             |                                                                                                                                                                                                                         |                       |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| AW/193/11/T | Crown lift to height of 9-10 metres, crown thin by 25% & remove dead wood as necessary to 1no. Scots Pine. Crown lift to height of 6-7 metres, crown thin by 10% & remove dead wood as necessary to 2no. Corsican pine. | Refused<br>27-09-2011 |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|

**REPRESENTATIONS**

**Representations received:**

Aldwick Parish Council

No objection.

**Comments on Representations received:**

Comments noted.

## CONSULTATIONS

Council's Arboriculturalist

### Consultations responses received:

Arboriculturist: The applicant requests the pruning of three trees: a Scots Pine and two Corsican Pines. The applicant appears not to have provided a reason for the works; however, it is clear that the work is for practical reasons i.e. to remove obstruction from the highway and alleviate shade from the conservatory. The proposal is acceptable and should be in accordance with the suggested conditions below.

### Comments on Consultation responses:

Comments noted. The reasons cited by the applicant for the removal of trees are low branches overhanging the neighbour's conservatory, high sided vehicles making contact with branches when entering the road and delivery vehicles unable to approach the driveway to the property.

## POLICY CONTEXT

Designation applicable to site:  
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 application follows an earlier refusal for works to 1no. Scots Pine and 2no. Corsican Pine Trees, located in the front garden of the property. The previous application was refused as the tree surgery proposed was considered to be excessive and would have resulted in adverse landscape impact and undue detriment to the visual amenities of the area.

The surgery proposed under this application is to crown lift 1no. Scots Pine Tree by 5 metres,

report

crown thin by 5% and removal of deadwood, crown lift 2no. Corsican Pine Trees to 5 metres, crown thin by 5% and removal of deadwood.

The works are requested in order to prevent the overhang of branches to the neighbouring property's rear garden and conservatory at no. 5 Westminster Drive, and to remove obstruction from the highway. All three trees make a significant contribution to public amenity, as they are approximately 12-15 metres tall with large canopies that are visible not just within the immediate streetscene, but the wider locality.

The Council's Arborist has inspected the trees and notes that the works are required for practical reasons. The crown lift proposed under this application is less excessive (5 metres as opposed to 9 and 7 metres) and the crown thin is 5% (as opposed to 25% under the refused application). The works are considered to preserve the amenity value of the trees and their contribution to the streetscene.

It is therefore recommended that the application is granted, subject to the following conditions.

#### **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 in accordance with policy GEN7 of the Arun District Local Plan.

- 2 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.

- 3 The Pine Trees indicated for crown thinning should not exceed the loss of 5% of their total leaf-bearing twig structure. The material to remove as part of the crown thin should consist of deadwood, stubs, damaged and weak growths. An even density of foliage with well spaced and balanced branch structure and framework should be achieved.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity, in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The crown of the Corsican Pine Tree overhanging the conservatory should be pruned to provide a vertical clearance above ground level to a height of 5 metres. The remaining Corsican Pine Tree and Scots Pine Tree should be pruned to provide a vertical clearance above ground level to a height of 5 metres. 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 those branches should be removed.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 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.
  
- 6      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.