

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

**REF NO:**        **AW/320/12/T**

**LOCATION:**    16 St. Richards Way  
                  Aldwick

**PROPOSAL:** Reduce existing crown form by limiting the top reduction to 0.5m and side growth to 1.5m with crown clean to 1 Oak tree.

**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                              |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above                                                                                                                                                     |
| SITE AREA                   | N/A                                                                                                                                                          |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                          |
| TOPOGRAPHY                  | Predominantly flat                                                                                                                                           |
| TREES                       | The Oak tree the subject of this application.                                                                                                                |
| BOUNDARY TREATMENT          | Rear boundary has close boarded fencing approximately 1.8m in height, side boundaries wall and hedging approximately 1.8m in height.                         |
| SITE CHARACTERISTICS        | Detached two storey property with attached garage. The elevations have light brown brickwork and painted brickwork, red tiled roof with white window frames. |
| CHARACTER OF LOCALITY       | Residential comprising detached properties of various styles and designs.                                                                                    |

**RELEVANT SITE HISTORY**

|            |                                                           |                       |
|------------|-----------------------------------------------------------|-----------------------|
| AW/86/01/T | Lop branch of one Oak tree overhanging<br>6 Rochester Way | Refused<br>22-06-2001 |
|------------|-----------------------------------------------------------|-----------------------|

**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.

**Comments on Representations received:**

Comments noted.

See Arboriculturist's comments.

**CONSULTATIONS**

Council's Arboriculturist

**Consultations responses received:**

Council's Arboriculturist

The applicant has requested work to a mature English Oak tree located to the rear of the property. The tree is important as it can be seen above the roof top and clearly between No 14 and No 16 St Richards Way. There appears to be no obvious history of heavy pruning work where the natural form and crown shape of the tree has been retained.

The applicant has indicated a choice of either complete removal of one main stem or the heavy reduction by 2m of the entire crown. Both requests would adversely affect the natural appearance of the tree and is not recommended.

There is some scope however to reduce the existing crown form which would not without detracting too much from its natural appearance without producing abruptly cut ends having no substantial sized side branch growth. A lesser reduction could be achieved in sympathy with the existing shape by limiting the top reduction to 0.5m and side growth to 1.5m. Prescribing a crown clean could also help alleviate shade by shortening or removing abrading branches to reduce the leaf density for light to filter through.

The work proposed within the application is excessive and the application should be refused consent unless a lesser amount as recommended above is acceptable.

**Comments on Consultation responses:**

Comments noted

The application has been amended and the applicant has been consulted who is happy to accept the lesser amount.

**POLICY CONTEXT**

Designation applicable to site:

Built Up Area Boundary  
Tree Preservation Order 2/58

**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 mature Oak tree which is dual stemmed is sited in the south east corner of the rear garden. It is of a significant height and spread being visible to properties to the rear in Rochester Way and of visual amenity value.

Due to its size and height the tree is overshadowing the garden and the application seeks to remove the north stem which would leave the tree well balanced and help with the overshadowing aspect.

The Council's Arboriculturist has recommended that the removal of the north stem or heavy reduction of the crown would detract from the natural appearance. He has advised that a lesser reduction could be achieved by limiting the top reduction by 0.5m, side growth by 1.5m. A crown clean would benefit to help alleviate shade by shortening or removing abrading branches and would reduce the leaf density for light to filter through.

The applicant has been consulted and is happy to accept the Arboriculturist's recommendation. It is therefore recommended that the application be 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 Oak tree shall involve:

Crown clean by the removal of abrading branches to reduce the leaf density.

Crown reduction - Top by 0.5m and side growth to 1.5m.

All works shall be carried out in accordance with BS3998:2010 Recommendations for Tree Work.

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