

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** **AW/32/14/T****LOCATION:** 19 Craigweil Lane
 Aldwick**PROPOSAL:** Reduce overall height of 1 No. Monterey Pine by 3m-4m.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Monterey Pine tree the subject of this application but various trees within and around the site.
BOUNDARY TREATMENT	Rear and side boundaries mixture of close boarded fencing plus soft landscaping.
SITE CHARACTERISTICS	Two storey with front dormer and integral garage with paved driveway. The property has red brickwork, red tile hanging and a tiled roof.
CHARACTER OF LOCALITY	Residential comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

AW/176/93/T	Reduce height of 12 sycamore trees	ApproveConditionally 24-12-1993
AW/8/95/T	Pollard 11 Poplar trees	ApproveConditionally 29-03-1995
AW/15/99/T	Lopping of 6 no. Sycamore trees.	ApproveConditionally 12-03-1999
BR/288/70/T	Felling of two trees	Approve 29-06-1970
BR/231/85/T	Application to lop 12 Sycamore Trees and fell one Sycamore tree	ApproveConditionally 19-06-1985

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Objection

Members strongly object to the application on the grounds that the proposed reduction is excessive.

Comments on Representations received:

Objection comments noted

See Arborist comments.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Consultant Arboriculturist

I object to the extent of the works that have been requested on the grounds that they are likely to undermine the ongoing health and vitality of the tree and if you prune it this heavily you might as well remove it and we are not yet at a point where this is justified.

However, for safety reasons this tree should not be reduced and reshaped with the exception of the crown massing to the southwest side which is the main buffer to the prevailing winds and should remain as it is for the time being.

I suggest that the best course of action would be to grant approval on the basis of 3m-4m on the proviso that I meet up with My Smythe and his tree surgeon on site before he starts work so that the tree surgeon can put tape around the branches at the points of intended severance. This would give the tree surgeon chance to probe the decay point whilst I am there just in case we have to agree to felling on safety grounds.

Comments on Consultation responses:

Comments noted

The applicant has been informed and is happy to accept the arborist comments for a lesser reduction.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order 2/58
Right of Way
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

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.

ered with regard to this prior approval application are the siting and appearance of the development. This application falls to be determined under the requirements of Part 24 of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

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 Monterey Cypress tree is sited in the rear garden of No 19 Craigweil Lane and is readily visible to neighbouring gardens and of visual amenity value.

The tree is sited to the rear on the boundary with the neighbouring property No 17 Craigweil Lane. In recent storms the central main stem has crashed out and across the gardens and partially demolished a wall. The application seeks to reduce the height and spread by 7m to 8m.

The Consultant Arboriculturist has inspected the tree and has raised an objection to the reduction of 7m-8m on the basis that this reduction would undermine the ongoing health and vitality of the tree. However, for safety reasons he has recommended that the tree be reduced by 3m-4m and the applicant is happy to accept this 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 Council's Arboriculturist who can ascertain the extent of work proposed and this date shall be notified to the Council 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 shall involve:

Reduce overall height of 1 no. Monterey Pine by 3m-4m. All works shall be carried out in accordance with BS3998:2010 Recommendations for Tree Work.

Reason: In the interests of the trees continued health and vitality and 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.