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

REF NO: **AW/39/14/T**

LOCATION: 81A The Fairway
Aldwick

PROPOSAL: Fell 1No. Conifer Thuja. Lop large broken branch to 1No. Birch.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	Predominantly flat.
TREES	The trees the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	Rear and side boundaries hedging/tree screening over 2m.
SITE CHARACTERISTICS	Detached property with white painted brickwork on lower level, upper level has wooden detail, thatched roof with grey painted window frames. Wooden summer house and shed in rear garden. Tree T1 is located between 81a and the boundary with 81. T4 is towards the rear and is visible above the rear fence from Tithe Barn Close.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area. Private residential estate comprising detached properties on large plots of various styles and designs, some of notable character.

RELEVANT SITE HISTORY

AW/105/99/	New garden room, garage conversion to study/hobby room re-roofing of existing sheds	ApproveConditionally 10-08-1999
AW/138/00/	New garden room and garage conversion (variation to existing planning permission AW/105/99)	ApproveConditionally 25-08-2000
AW/34/07/T	Fell 1no. Macrocarpa Tree	Withdrawn 23-02-2007
AW/202/07/TC	Fell one Pittosporum Tree within the Aldwick Bay Conservation Area.	No Objection 31-08-2007
AW/171/12/TC	Surgery to Eucalyptus, Robina, Sequoia, Catalpa and Magnolia trees within the Aldwick Bay Conservation Area.	No Objection 03-09-2012

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council - Members agreed that the Arun Arboriculturist is consulted regarding this application and that his professional recommendations/decision is applied.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Conservation Area Advisory Committee - no comments made.

Council's Arboriculturist - (T1) Western Red Cedar - raises no objection to the removal of this tree on health and safety grounds and in view of its location and the difficulty negotiating access past it with cars would not seek a replacement tree in this instance; and (T4) Silver Birch - This is simply good husbandry in the interests of sound arboricultural practice so raises no objection. Recommendation: Agrees with the principle of pruning for the reasons stated in the application and recommend that it is approved.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Built Up Area Boundary;
Tree Preservation Order 2/58; and
Within Conservation Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA2	Conservation Areas
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	HER DM3 Conservation Areas	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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 T4 Silver Birch is highly visible from Tithe Barn Close but the proposal is only to remove a broken branch and this will not affect its amenity value. The T1 Western Red Cedar does contribute to the amenity value of the front of the site but the tree is dead and therefore no objection is raised. The Council's arboriculturist raises no objection to the application and therefore the application should be approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The works hereby approved shall involve the following works to the Western Red Cedar and Silver Birch trees:

Western Red Cedar - fell to ground level in a controlled manner and grub or grind out the stump. No replacement tree will be required in this instance.

Silver Birch - remove all storm damaged, split, broken and retained branches to tidy and make safe. Where whole branches are to be removed final cuts close to the trunk or branch union are to be made as shown in Figure 2 of BS3998:2010 and all shortened branches are to be cut at the correct angle (see also BS3998:2010) and adjacent to a live bud or lateral.

Regard should also be had to the BS3998 drawing advising on pruning cut formation which forms part of the Arboriculturist's comments on the Councils website.

Reason: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice

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 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.

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 amendd) 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.