

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

REF NO: **AW/65/13/T**

LOCATION: 100 Manor Way
 Aldwick

PROPOSAL: Fell 1no. Leylandii tree & fell 1no. Eucalyptus tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Macrocarpa and Eucalyptus trees the subject of this application but various trees within and around the site.
BOUNDARY TREATMENT	Front has dwarf brick wall, close boarded fencing to rear and side boundaries.
SITE CHARACTERISTICS	Two storey detached property with attached garage. The property has red brickwork on lower level, tudor affect on upper level with a red tiled roof.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area. Private residential estate comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection

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

Comments on Representations received:

See Arboriculturist's recommendation.

CONSULTATIONS

Conservation Officer

Council's Arboriculturist

Consultations responses received:

report

Conservation Officer
Awaited

Council's Arboriculturist

I inspected the trees with the owner. The conifer is located to the rear of the property and has no historic or visual importance. The Eucalyptus located to the front is clearly visible from the highway and has been poorly pruned by the owners in the past, causing an asymmetry with a tendency to lean away from the property towards the highway. I doubt that remedial and formative tree surgery would provide sufficient means within a short term to re-address the imbalance. I would therefore not object to the removal of both trees. I understand that the Eucalyptus is to be replaced with one of appropriate species to be agreed by the LPA later in the year.

Comments on Consultation responses:

Noted

If approved, a condition will be imposed regarding a replacement tree.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order
Within the Conservation Area
Area of Special Control for Advertisements

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

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 Eucalyptus tree is sited to the front of the site behind the front wall and is readily visible within the street scene. The tree is growing in a confined space and overhanging both the garden and walkway and the application seeks to remove the tree as the expanding truck is cracking the front wall.

The Macrocarpa tree is sited in the rear garden in the south west corner. The application seeks to fell the tree as it is growing within a confined space causing excessive overshadowing to neighbouring gardens.

The Council's Arboriculturist has inspected the trees and has raised no objection to their removal subject to a condition that a replacement tree be planted in lieu of the Eucalyptus tree.

It is therefore recommended that the application be approved, subject to 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.

- 2 The applicant shall during the next planting season following the felling of the Eucalyptus tree. the subject of this application, plant a replacement tree of a species and maturity and in a position approved by the Local Planning Authority and under its supervision. In the event that the tree dies within five years following such planting it shall be replaced by a similar tree in a similar position during the next planting season.

Reason: To retain trees in the interests of the environment of the locality..

- 3 **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.

- 4 **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.