

TREE WORKS CONSENT REPORT**REF NO:** **AW/73/09/T****LOCATION:** Craigweil House
 131 Barrack Lane
 Aldwick**PROPOSAL:** Felling and surgery to various trees**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 0.29 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front boundary is screened by temporary wooden gates painted green approximately 2.5m in height, rear boundary backs onto foreshore, with mesh fencing on concrete posts approximately 1m in height. Eastern (side) boundary formed of close boarded fencing, supplemented with shrubs and conifer screening. Western (side) boundary formed of close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Former property which was a nursing home has been demolished. The site has planning permission for a detached dwelling, garage and boathouse.
CHARACTER OF LOCALITY	Predominantly residential with large two storey detached properties of various style set in substantial plots. Foreshore to the rear.

RELEVANT SITE HISTORY

AW/286/07/	Erection of a detached dwelling following demolition of existing nursing home.	Approve Cond 17-12-2007
AW/94/08/	Erection of a new boathouse in rear garden	Approve Cond 03-07-2008
AW/95/08/	Erection of new garage with ancillary accommodation above	Approve Cond 03-07-2008

AW/19/09/T	Felling & surgery to various trees.	Refused 30-03-2009
BR/165/49	Alterations and additions to flat over garage	Approve 28-06-1949
BR/165/49/A	Revised plan of additions	Approve 19-11-1949
BR/165/49/B	Second floor addition	Approve 25-03-1950
BR/165/49/K	Summer house	Approve Cond 16-02-1965

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No Objection.

Landscape consultant for the property owner informed the Committee of the replacement of a Sycamore Copse with native trees. Members were given a projected growth and appearance scenario based upon a twenty five year maturing period. Members asked that Mark Everson offered advice on the retained Sycamore trees.

One letter of support, stating that the trees cause:

- A lack of light
- Continuous shedding of leaves and blocked gutters
- Sticky residue on windows, garden furniture and clothes

In the long term the trees may cause a potential threat to the adjoining property in high winds.

Comments on Representations received:

Noted

CONSULTATIONS

Consultations responses received:

District Arboriculturist:

The proposal has been looked at and I confirm the retention of trees T1 - T10b as a group. The other trees to the north of that group and numbered T10-T21 will be removed as not being worthy of retention within the design. With regard to the choice of other species within the boundaries I felt a lot of thought has gone into the selection of trees and shrubs, and commend the choice as being very appropriate to the area which is of a sometimes hostile maritime nature.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Tree Preservation order

Class C Road
Permitted Development Restriction

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
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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 seeks to fell 12 Sycamore trees within the rear garden of Craigweil House, 131 Barrack Lane. This would be undertaken as part of landscaping scheme for a replacement dwelling, for which planning permission has been granted.

An application to fell 27 trees on the site was refused previously, on the grounds that there was no arboricultural reason for the trees to be felled and that their felling would detract from the amenities of the locality.

This amended proposal would include the retention of the southern most group of trees, most visible from the footway on the foreshore. The trees to be felled are located in the centre of the site and are not deemed to be worthy of retention, a view echoed by the District Arboriculturist.

The landscaping scheme submitted includes the planting of native species along the boundaries of the site, to include Hawthorns, Strawberry, Holm Oak, Birch and Elm. Indeed, the choice of species has been commended by the District Arboriculturist. In order to preserve the visual

amenities of the area, it is considered prudent to recommend a condition that the new trees shown on the landscaping scheme be planted as a replacement for those trees which are to be felled.

It is therefore recommended that the application be approved, 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 applicant shall during the next planting season following the felling of the trees, the subject of this application, plant the replacement trees as outlined in the landscaping schedule shown on drawing no 590/2 27/4/09, and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 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.