

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

REF NO: **AW/79/12/T**

LOCATION: 10 Old Place
 Aldwick

PROPOSAL: Reduce height and canopy of 1 Walnut Tree to include crown reduction by 2-3 metres, 20% reduction of branches.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree the subject of this application and various mature trees within the vicinity of the application site.
BOUNDARY TREATMENT	High hedging to side boundaries, flank wall of bungalow to roadside boundary and 2 metre high brick wall at rear.
SITE CHARACTERISTICS	Detached modern bungalow constructed from brick with detached garage to side.
CHARACTER OF LOCALITY	Residential road comprising modern detached bungalows and two storey dwellings.

RELEVANT SITE HISTORY

AW/237/03/T	Reduce height and canopy of 1 Walnut tree.	Approve Conditionally 05-11-2003
BR/779/73/T	Fell one oak tree	Approve 23-10-1973
AW/148/85/T	Pruning one walnut tree	Approve Conditionally 06-11-1985

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.

West Sussex Wildlife Protection: No surgery due to nesting birds.

1 letter of Objection:-

- lowering crown would spoil appearance and proportions of this tree and accentuate size of the trunk
- lowering canopy would not reduce risk of damage to property, as the tree is too close to the bungalow
- owners have recently grubbed out 40 year old privet hedge and replaced it with a timber panel fence

Comments on Representations received:

Comments noted. Refer to Arborist's consultation response.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Arboriculture: No objection, subject to conditions. I have visited the site and have identified the Walnut Tree. This tree has a pruning history where low branches have been removed to 5 metres and lateral branch growths of approximately 2 metres on the house side have been cut back. The tree is mature and was once a larger tree, though due to part pruning its size has been reduced. The crown appears irregular and misshapen. The proposed 2-3 metre/ 20% crown reduction may not be necessary for the whole tree. A sympathetic crown reduction would restore an irregular crown to one which has a flowing and compact outline to provide visual benefit, whilst restricting wound sizes.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

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 Walnut Tree is located to the side of the bungalow at No. 10 Old Place and is protected by TPO AW/2/58. The tree is approximately 8-10 metres tall and the canopy is visible from the surrounding streetscene.

The Walnut Tree is mature, but the crown appears irregular and misshapen, owing to past pruning, which has reduced its size. The previous pruning history indicates the removal of low branches to 5 metres and lateral branch growths of approximately 2 metres facing the bungalow.

The Arborist comments that the proposed 2-3 metre/20% crown reduction may not be necessary for the entire tree and that a more sympathetic crown reduction will restore the irregular shape of the crown to a more compact, flowing outline. This would provide visual benefit and restore wounds.

It is therefore recommended that consent is granted, subject to conditions summarised below.

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 crown reduction from the property must not exceed branch lengths to be removed in one operation of 2 metres. The remaining crown parts that show protrusion beyond a natural outline shall not exceed branch lengths of 0-2 metres.

The pruning cuts to leave healthy substantial leaf bearing side branches. All side branches to be retained should be at least one third in diameter of the removed branch.

Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 50mm in diameter.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity, in accordance with policy GEN7 of the Arun District

Local Plan.

- 4 The crown of the tree will be pruned to provide vertical clearance above ground level of 4 metres.

Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 50mm in diameter.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 5 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.

- 6 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.