

TREE WORKS CONSENT REPORT**REF NO:** AW/89/11/T**LOCATION:** 38 Kingsway
Aldwick**PROPOSAL:** Reduce 3 No Yew trees by 20%**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Three no. Yew trees
BOUNDARY TREATMENT	White painted ranch style fence to front. 1m fence to side supplemented by hedging. Brick wall approximately 1.8m high to rear.
SITE CHARACTERISTICS	The site is a detached dwellinghouse with white painted rendered elevations and a rolled tiled roof.
CHARACTER OF LOCALITY	The site is located in a private residential road of predominantly two storey detached dwellings of a traditional style.

RELEVANT SITE HISTORY

AW/16/87/T	Lopping and pruning of 8 Horse Chestnut trees (felling of one Horse Chestnut tree previously approved under BR/903/84T)	Approve Cond 16-02-1987
AW/47/90/T	Lop and Top Ash Tree (Kingsway), Top 2 Horse Chestnut Trees (Queensway), Lop and Top one Beech Tree and one Lime Tree and fell one Oak Tree (The Drive).	Approve Cond 14-05-1990
AW/160/91/T		Approve Cond 04-11-1991
AW/135/92/T	Fell one ash tree. Lop 2 maples and lop and thin 1 thorn, 1 sorbus and 3 chestnuts	Approve Cond 25-09-1992

AW/46/93/T	(1) Fell 1 Maple tree, (2) Crown reducing of 1 Holly Oak, (3) Fell 1 Oak and crown reducing of 1 Horse Chestnut,	Approve Cond 21-05-1993
AW/144/94/T	Deadwood 1 Yew tree in south west corner of garden and one Beech tree on adjoining property.	Approve Cond 19-12-1994
AW/12/96/T	Surgery to various trees	Withdrawn 25-03-1996
AW/171/97/T	Fell two sycamore trees and one yew tree, lop one sycamore tree, raise and reduce crown of one yew tree	Approve Cond 14-11-1997
AW/21/99/T	Works to one Chestnut Tree (trim one branch back to trunk)	Approve Cond 26-03-1999
AW/223/05/T	Remove one years growth from three domed yew hedges.	Approve Cond 10-11-2005
AW/161/06/T	Surgery to 1no. English Oak tree and fell 1no. Yew tree.	Refused 30-08-2006
AW/14/11/T	Cut back new growth of up to 100mm to 1 No Yew tree	Approve Cond 04-03-2011
AW/36/11/TC	Reduce and reshape Lleylandii hedge; reshape 3 No Cypressus Macrocarpa; reshape 1 No Leylandii tree; reduce 1 No small Fir tree within the Craigweil House Conservation Area	No Objection 14-03-2011
BR/905/80/T	To lop 7 horse chestnuts top one oak and fell one lime	Approve Cond 21-01-1981
BR/203/81/T	To prune 50 trees	Approve Cond 15-04-1981

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No Objection.

Members agreed that this application should be referred to the Arun Arboriculturist for his professional opinion and recommendations.

Three letters of objection, raising the following main points:

- No surgery due to nesting birds.
- The trees are a great public amenity
- The trees are of historical significance since they formed a tree walk and part of the original

garden of Craigweil House.

- Such a reduction may result in the loss of the tree, especially given the dry climate recently experienced.

Comments on Representations received:

Noted.

The District Arboriculturist has raised no objection to the proposed works, it is not considered that the proposed reduction would damage the trees and therefore there would be no grounds to refuse the application.

CONSULTATIONS

Council's Arboriculturist

Conservation Officer

Conservation Area Advisory Com

Consultations responses received:

District Arboriculturist:

The application refers to three Yew trees which have been pruned regularly into large and low green spheres. They are a dominating feature in the garden and would restrict space and recreational activities for the home owners. I understand that the trees have a historic connection with the area and they would have been smaller in size at that time.

I support the application and would recommend the reduction of each tree crown to not exceed a maximum of 0.5m both in height and size.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area

Within the Craigweil House Conservation Area

Tree Preservation Order

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

This application seeks permission to perform works to three Yew trees at 38 Kingsway.

The trees are located within the rear garden of the property, which occupies a corner plot at the junction of 'Kingsway' and 'Queensway', so that there are views of the trees from the street scene of 'Queensway'.

The trees are spherical in shape, and are an ornamental feature. The District Arboriculturist has stated that he supports the application and would recommend the reduction of each tree crown to not exceed 0.5m.

It is therefore recommended that the application be approved, subject to the following conditions:

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works to the three Yew trees hereby approved shall only involve a reduction of the trees by a maximum of 20%, which would equate to approximately 0.5m. The trees shall be reduced so as to maintain their existing crown shape.

Reason: In order to maintain the health and appearance of the preserved trees.

- 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 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.

- 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.