

TREE WORKS CONSENT REPORT

REF NO: EG/62/09/T

LOCATION: 38 Orchard Way
Barnham

PROPOSAL: Lift crown of 1 no. Oak tree and thin crown of 1 no. Silver Birch

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	1 no. Oak tree and 1 no. Sycamore
BOUNDARY TREATMENT	Close boarded fencing approximately 1.8m to sides. Open to front.
SITE CHARACTERISTICS	The site is a detached chalet bungalow style dwelling, brick faced and clad with a concrete tiled pitched roof.
CHARACTER OF LOCALITY	The site is located on a residential road of properties of various style.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Eastergate Parish Council

Awaited

Comments on Representations received:

None

CONSULTATIONS

Horticulturist

Consultations responses received:

District Arboriculturist:

The Oak tree, which was worked upon some years ago, has developed into quite a sizeable and healthy tree, and recommend that the crown of the tree is reduced overall by 15%. An application has been made to lift the crown of this tree, however I do not believe that to be appropriate.

With regard to the Sycamore, the tree is in fact a Silver Birch, which has been reduced in height

some years ago, and has produced a lot of branch work in the crown, some of which is dead. The application has been made to thin the crown in order to stop debris from landing on the roof of the neighbour's caravan. The effect on the Silver Birch will be quite drastic, and I suggest that rather than thinning the tree should be regularly pruned and the deadwood removed to prevent the falling of the debris on the afore mentioned caravan.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area
Tree Preservation Order

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 permission for surgery to two trees at 38 Orchard Way. The application originally sought to lift the crown of 1 Oak tree and thin the crown of 1 Sycamore. However, upon visiting the site the District Arboriculturist noted that the Sycamore is in fact a Silver Birch, and that a crown reduction would be a more appropriate form of surgery, and as such the description of the application has been amended accordingly.

The trees are situated on the outer boundaries of the site, in close proximity to the highway and are a prominent feature in the street scene.

As mentioned previously, the District Arboriculturist has been consulted and has advised that a crown reduction of approximately 15% would be appropriate for the Oak tree. With regard to the Silver Birch, the Arborist has advised that thinning could be too drastic, and that a prune would be a preferable form of surgery. As such it is considered appropriate that a condition be added, stating that the tree be thinned by a maximum of 10%.

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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.

- 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 The tree surgery hereby approved shall only involve the crown reduction of the Oak tree by no more than 15%, and the thinning of the Silver Birch tree by no more than 10%.

Reason: In order to protect the health and appearance of the tree and in the interests of the visual amenities of the locality 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.