

TREE WORKS CONSENT REPORT**REF NO:** EP/80/10/T**LOCATION:** Corner Lodge
13 Copse View
East Preston**PROPOSAL:** Crown lift 1 No Yew tree**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	2.5m crown lift to 1No. Yew tree.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree subject of the application.
BOUNDARY TREATMENT	Open area to the front of the site.
SITE CHARACTERISTICS	Detached single storey dwelling, red brick elevations, gable pantiled roof. Detached garage forward of dwelling. Building works and excavation currently taking place within close proximity to the Yew tree.
CHARACTER OF LOCALITY	Sited within a residential cul-de-sac. Mix of types and styles of dwelling, predominantly semi detached dwellings and flats.

RELEVANT SITE HISTORY

EP/37/03/T	Fell one dead Poplar tree	PP Not Required 11-07-2003
EP/89/74/TF	Lopping of 1 Yew tree and lopping 1 Lime tree	Approve Cond 31-01-1975

REPRESENTATIONS**Representations received:**

East Preston Parish Council
East Preston Parish Council:
No objection.

Committee agreed to raise concerns about the health of the tree as per Ian Brewster's comments, dated 16th July 2010. As the tree has been damaged the council hopes that

further action may be taken.

4 Letters of objection:

Concerns with regard to damage outlined within Arborist from the excavation and the application of limestone. The damage could make the tree unstable. Tree has been damaged by the building works that have taken place on the site. Permission granted for dwelling and conditions relating to access to the site have not been complied with nor monitored. New building is out of keeping with the street scene. No crown lift due to nesting birds.

Comments on Representations received:

Parish Response:

The damage to the tree identified is being investigated by the Local Planning Compliance Team.

Other Representations:

The health of the tree and the proposed works have been considered by the Councils Arborist. He has made no objection to the proposed works. Report with regard to damage to the tree has also been submitted by the Councils Arborist. This application is to consider the merits of the works to the Yew tree and not that of the approved dwelling within the site. Informative to be attached to decision advising of the Wildlife Act. The damage and its affect to the Yew tree is to being considered by the Local Planning Authorities Compliance team.

CONSULTATIONS

Tree Officer

Consultations responses received:

Councils Arborist:

The 2.5m crown lift to the Yew tree is acceptable. There is also a broken branch which needs to be tidied up.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the built-up area boundary

Tree Preservation Order- TPO/EP/1/75

DEVELOPMENT PLAN POLICIES

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

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

TREES

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

TREES

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 proposed application seeks permission for a 2.5m crown lift to 1No. Yew tree at Corner Lodge, 13 Copse View.

The tree is relatively large, sited to the front of the site and therefore it is a prominent feature within the street scene and as such is deemed to be of significant amenity value, contributing to the character and appearance of the surrounding area.

The proposed works are not considered to detract from the appearance of the tree whilst allowing vehicles and pedestrians to access the site from Copse View without impacting upon the protected tree. Indeed, the Councils Arborist has advised that the crown lift would be acceptable and has also stated that there is a broken branch which needs to be tidied up.

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works hereby approved to the Yew tree shall involve a 2.5m crown lift. All works shall be carried out in accordance with BS3998: 1989 Recommendations for Tree Work.

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 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.

- 3 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.

- 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.