

TREE WORKS CONSENT REPORT

REF NO: A/132/11/T

LOCATION: Barleycombe
Ham Manor Way
Angmering

PROPOSAL: Fell 1 No Silver Maple tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approx. 3300sqm.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Silver Maple tree subject of the application. Many others noted within the site.
BOUNDARY TREATMENT	Flint walls and metal railings to front boundary and close board timber fencing enclosing side and rear boundary, supplemented in places by mature trees and hedging.
SITE CHARACTERISTICS	Large detached 2 storey dwelling, set within a spacious site.
CHARACTER OF LOCALITY	Residential, sited at the end of a cul-de-sac. Mix of detached properties. Golf course to north of the site.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection.

1 Letter of objection: No felling unless dead or dangerous.

1 Letter of representation:

The Angmering Society consider the application to be well founded. Suggest that a replanting obligation be made a formal condition of approval.

Comments on Representations received:

Parish response is noted.

Comment on letter of objection:

The tree is dead and should be removed.

Comment of letter of representation:

Conditioned be attached requiring the replanting of a suitable replacement tree, to be agreed with the Authority.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Councils Arborist:

The Silver Maple tree is in a condition beyond recovery and I would recommend its removal. To keep with the theme of the garden, a replacement tree of the ornamental variety should be considered in close proximity to the one removed, not however of the Acer species.

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Outside the built-up area boundary

Tree Preservation Order TPO/A/1/84

Public Right of Way

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

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 application seeks permission to fell 1No. Silver Maple tree. The tree is located within the garden of Barleycombe and can be viewed from the public highway to west of the site.

The report submitted with the application states that the tree is showing signs severe basal ouse and the trunk is rotten through. As such given the weight of the canopy it is suggested that there is no practical way of making it safe.

The Council's Tree Officer has considered the health of the tree and agreed with the submitted report, stating that its condition is beyond recovery and should therefore be removed.

As the tree is dying and could potentially fail at any time, it is recommended that the application be approved subject to the following conditions:

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The applicant shall during the next planting season following the felling of the tree, the subject of this application, plant a replacement tree of a species and maturity and in a position approved by the Local Planning Authority and under its supervision 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.

- 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.

- 3 **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.

- 4 **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 amendd) 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.