

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

REF NO: **A/33/14/T**

LOCATION: 24 East Drive
 Angmering

PROPOSAL: Trim tops of nodules beneath level of drive to 3 no Monterey Pine Trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The trees are the subject of this application.
BOUNDARY TREATMENT	Brick wall to front boundary, up to 1m in height. Timber fencing and hedging to side boundaries.
SITE CHARACTERISTICS	Detached 2 storey dwelling, painted brick elevations with gable and half hipped thatched roof. Detached garaging with flat and thatched pitched roofing. Large UPVC conservatory to front elevation of dwelling.
CHARACTER OF LOCALITY	Private residential estate, mix of detached dwellings.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Angmering Parish Council
Angmering Parish Council:-

Considered at Planning, Conservation & Development Committee meeting 1st May 2014. No objection provided that the tree itself is not damaged.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Council's Arboriculturalist:-

T1 T2 T3 Monterey Pines Pinus radiata Height = 22m Avge spread = 8m Age = Mature

? Mature trees that are part of an avenue on this site and would probably have historic links to a previous use of the site

? They are all in fairly good condition albeit with the normal levels of dead wood to be expected in trees of this age and at this sort of exposed coastal location - some storm damaged and broken branches are evident in the crowns - again to be expected following the past Winter storms.

? The root systems have been very active in uplifting the tarmac surfaced drive - no doubt encouraged by their confinement and the pressures being applied by compaction and anaerobic conditions with inducement to grow under the tarmac to benefit from condensation and warmth directly beneath same.

? This is a difficult issue because any root loss has the potential to allow access of fungal pathogens but I also believe we have to be pragmatic about this situation and reach a compromise where some root loss or shaving of tops of nodules is inevitable but kept to a minimum and the owner agrees to apply a more flexible and porous aggregate surface to all but the road apron section of the drives - thus significantly reducing the chances that this will happen to this degree again in the future.

? It is impossible to be prescriptive about where and what roots are to be removed or nodules reduced and it is therefore ESSENTIAL that this operation is conditioned to be only undertaken under the direct supervision and monitoring of the Councils Arboriculturist so that they can direct the operations of the Tree Surgeons and define which roots can be cut and how much can be taken off the tops of the nodules.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside the built-up area boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under References ID 36-090-20140306 and 36-091-20140306, 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 application seeks consent for works to the root system of three Monterey Pines trees which are causing damage to the driveway of the property.

The trees are of significant importance to the street scene and as such any works should be carefully considered. The Councils Arboriculturalist has highlighted that these works should be undertaken only with direct supervision so as the Arboriculturalist can direct the operations of the tree surgeons and define which roots can be cut and how much can be removed from each of the nodules.

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

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.

- 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.

- 3 INFORMATIVE: The applicant must note that the Council's Arboriculturalist has identified compliance with Condition 2 of this Approval as essential. This is in order to direct the operations of the tree surgeons and define which roots can be cut and how much can be taken from the tops of the nodules.

- 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.