

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

REF NO: A/34/13/T

LOCATION: Verge at front of
2, 12, 28, 32, 34 and 36
East Drive Angmering

PROPOSAL: Fell 2 No Monterey Pine trees, crown lift to 2 m 1 No Monterey Pine tree, reduce to West by 2-3 m and reduce to North by 3 m to 1 No Monterey Pine tree, crown lift to 3 m to 1 No Monterey Pine tree, and remove deadwood from 1 No Monterey Pine tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	As detailed in application.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Verge in residential street.
CHARACTER OF LOCALITY	Residential area, vegetation characterised by large trees.

RELEVANT SITE HISTORY

A/137/94/T	Remove major dead wood of 21 Pine trees	Approve Conditionally 13-01-1995
A/28/95/T	Fell to ground level 1 Cypress, 1 Scots Pine, 5 Monterey Pine and surgery to 15 Monterey Pine trees	Approve Conditionally 12-04-1995
A/22/05/T	Fell 10 Trees (Elm and Fir)	Refused 19-05-2005

REPRESENTATIONS

Representations received:

Angmering Parish Council

One letter of support:

- Felling poor specimens and appropriate replacement planting would maintain the amenity of the area.
- Trees T4 and T17 clearly need to be felled, and the deadwooding or pruning of others will

prevent large boughs falling near people and properties as has happened frequently in recent years.

One letter of objection:

- Once gone the trees will never be replaced.
- Alternatives for saving the trees should be considered.

Comments on Representations received:

- Council's Arboriculturist has inspected the site and has confirmed the work is necessary.
- A condition is imposed which requires that new trees be planted within 12 months.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

I have inspected the two trees proposed for removal and the one for a crown-lift of lower branches and confirm the findings of the arboricultural consultant and need for the work.

Recommendations:

It is recommended that both trees are replaced in accordance with the tree replacement requirements as part of the Town and Country Planning Act as a condition to be planted within 12 months with similar species Monterey Pine (*Pinus radiata*) or considered a variant with Austrian Pine (*Pinus nigra* var. *nigra (austriaca)*).

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Outside built area boundary

TPO A/14/72

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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

The proposal will not result in a material adverse impact to the character of the surrounding area or the amenity of any surrounding property.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The applicant shall during the next planting season following the felling of the trees, the subject of this application, plant replacement trees in similar position to the felled trees, of species Monterey Pine (*Pinus radiata*) or Austrian Pine (*Pinus nigra* var. *nigra* (*austriaca*)) 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 in accordance with policy GEN7 of the Arun District Local Plan.

- 2 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.
- 3 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.