

Recommendation Report for Planning Permission

REF NO: A/4/21/PL

LOCATION: Quiet Waters Roundstone Lane
Angmering
BN16 4AX

PROPOSAL: Variation of condition 1 imposed under A/38/20/PL relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed amendments to the trees are as follows; T16 - Leyland cypress - Remove easternmost tree (partially windthrown) leaning over the adjacent garden space T18 & T19 - Sycamore - Remove lateral growth over the boundary back to the line of the boundary fence T21 - Leyland cypress - Remove lateral growth over the boundary back to the line of the boundary fence T38 - Goat willow - Reduce and reshape by 30% and remove dead wood T40 - Sycamore - Cut hard back to the boundary T41 - Cherry - Cut hard back to the boundary T43 - Cherry - Crown lift to approximately 3.5m above ground level T44 - Cherry - Cut hard back to the boundary Uncategorised - Sycamore - Cut hard back to the boundary T53 - Norway maple - Fell to ground level and replace with 1no. Norway maple (Acer platanoides) 12-14cmg T54 - London plane - Remove dead wood and raise crown by removing secondary growth only to a height of 4.5m above ground level T59 - Blue atlas cedar - Remove dead wood and storm damaged sections. Reshape lateral branches as required to achieve of tree of natural form T62 - Norway maple - Remove dead wood and reshape the lateral branches as required to achieve of tree of natural form
SITE CHARACTERISTICS	The site is under construction with the houses at various stages of construction
CHARACTER OF LOCALITY	The site is on the eastern side of Angmering village, to the east of Roundstone Lane and to the north of the A259. The area is being transformed by housing on the former West End Nursery site which lies immediately north of the site which is being re-developed for 246 dwellings by CALA Homes (i.e. A/144/15/PL - Cresswell Park). To the north of West End Nursery there are three residential development sites (the

Rugby Club, Swanbourne Park and Manor Nursery), which run as far as the High Street.

To the east of the site is Haskins Garden Centre which contains a range of retail uses occupying large buildings with associated car parks and storage areas. To the west of Roundstone Lane is Roundstone Van Centre and a second hand car dealership. To the south is an AUDI car showroom; and beyond a storage area for Haskins Garden Centre.

REPRESENTATIONS

Angmering Parish Council - No Comment

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Tree Officer - The majority of post-development tree work operations as proposed are acceptable, with the notable exception being inappropriate siting of replacement for T53.

Recommendation:

â? I recommend the above scheme for APPROVAL, subject to the following condition being applied:

· Once the Norway maple tree (T53) has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same place or nearby and to within 10metres due East of London plane (T54).

This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads.

It is to be planted within 12 months of the removal of the Norway maple tree.

The species selected shall be:-

Norway maple *Acer platanoides*

· Reasons: To accord with current industry guidelines and sound arboricultural practice in general.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS B ROAD

OUTS BUILT AREA

SPEC CONT ADVTS

NO PUBLIC SEWER

PD RESTRICTION

TREE PRES ORDER

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The policies in the neighbourhood plan that are considered relevant to this application have been taken into account in the assessment of the application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the works to trees are minor amendments to the scheme and would have an acceptable impact on the design overall.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

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CONCLUSIONS

The minor amendments to trees are acceptable in the view of the ADC Tree Officer and would not have an adverse impact on the character of the area nor impact on the residential amenity of properties on or neighbouring the site and the tree officer has no objections to the works subject to a condition relating to T53 Norway Maple. The proposal accords with policy D DM1 of the Arun Local Plan.

The proposal is recommended for approval subject to the following conditions;

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Once the Norway maple tree (T53) has been felled (and either grubbed or ground out) a replacement tree is to be planted in the same place or nearby and to within 20m due East of London plane (T54). This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads. It is to be planted within 12 months of the removal of the Norway maple tree.

The species selected shall be:-
Norway maple *Acer platanoides*

Reasons: To accord with current industry guidelines and sound arboricultural practice in general and in accordance with ENV DM4 of the Arun Local Plan.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans, insofar as it relates to trees only with other plans previously approved unamended.;
Detailed Landscape Proposals dwg.no. 2903/1 Rev J
Proposed Site Landscape Layout dwg.no, 1006-Ang106 Rev K
Proposed Site Layout dwg.no. 1006-Ang101 Rev Z

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.