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

REF NO: **A/73/12/T**

LOCATION: 31 East Drive
Ham Manor
Angmering

PROPOSAL: Fell 2 No Pine trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	There is a line of mature pine trees straddling the boundary shared between No. 31 and No. 33 East Drive.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The site comprises of part of the gardens of No. 31 and No. 33 East Drive. The area is grassed with large pine trees denoting the boundary shared by the two properties.
CHARACTER OF LOCALITY	The site is located on a private residential road. Immediately adjacent is an informal arrangement of detached bungalows and two-storey dwellings which are set back from the road and surrounded by amenity space. There are a number of large, mature trees lining the road and marking site boundaries and this, the informal layout and the presence of grass verging and other landscaping helps create an open, spacious and green appearance.

RELEVANT SITE HISTORY

A/35/11/T	Remove 2 lower branches of 2no. Monterey Pine trees (Pinus Radiata)	Approve Conditionaly 28-04-2011

No comments

REPRESENTATIONS

Representations received:

Angmering Parish Council

Objection. Lack of clarity on the drawing which trees need to be cut down. No report from tree surgeon.

Comments on Representations received:

Noted. The works have been assessed by the Council's Arboriculturalist who is satisfied that the proposed works are acceptable.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Arun District Council Arobriculture Officer:
- Partly accept the reasons stated in the arborists report and the owners concern.
- The proposal provides an opportunity to replace trees which have become misshapen through years of damage and poor pruning.
- A condition for their replacement with appropriate species is suggested.
- The application for the complete removal of the limb growing into 31 East Drive (the applicants property) from the neighbouring property is excessive.
- A reduceing of the foliage is recommended of approximately 2m.
- A suggested planning condition for re planying and pruning is provided.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area
Tree Preservation Order

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

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 trees are part of a line that mark the boundary between No's. 31 and 33 East Drive and are a prominent visual feature within the street scene as are other similar arrangements nearby.

The proposed works are to remove and replace two trees. The trees currently provide a high amenity value in defining the character and appearance of the surrounding area. The proposed removal of both trees is considered acceptable by the Arboricultural Officer so long as they are replaced. A suggested condition has been proffered.

It is therefore recommended that the application is part approved and part refused, subject to the following conditions.

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 of a species and maturity and in positions 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.

The chosen species should be Austrian Pine (Pinus nigra var. austriaca) or similar within the Corsican Pine Variety. It is recommended that the size of each tree should be visible just above the fence to be noticeable from the highway and supported with appropriate staking for a period of three years.

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 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 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.

5 INFORMATIVE: This consent does not relate to the removal of branches from the tree growing into 31 East Drive, Ham Manor from no 33 East Drive, Ham Manor. This will need to be subject of a seperate application.