

TREE WORKS CONSENT REPORT

REF NO: A/88/09/T

LOCATION: Flint House
Mulberry Hollow, West Drive
Angmering

PROPOSAL: Reduction of approx 30% in spread & crown lift approx 1m of Copper Beech.
Reduction of approx 20% inspread of Magnolia. Felling of 6x Leyland Cypress.
Reduction of approx 30% in spread of Cedar

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 925 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Sloping slightly downwards from east to west.
TREES	The Mulberry Hollow development has hedging around its boundaries, predominantly in the form of Leylandii which are subject to a Tree Preservation Order. There are clusters of medium and large trees of mixed species to the rear of the houses of Mulberry Hollow and these are also assigned Preservation Orders.
BOUNDARY TREATMENT	The rear of the site is enclosed by boundary hedging of varying height but generally no lower than approximately 3 metres.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey flint walled dwelling with a tiled, hipped roof.
CHARACTER OF LOCALITY	The site is part of a small development of detached dwellings that are set back from a residential road. The surrounding area is characterised by predominantly large detached dwellings set back from the road with an open appearance and mature landscaping presenting a semi-rural appearance.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection.

1 letter of objection: The application is unjustified and would have a severe detrimental effect

on amenity value. The trees are important specimens and help define the character of the estate. They merit protection in their own right as opposed to as a group. There has been a gradual removal and reduction in trees in the area. The Magnolia is the second largest in Sussex.

Comments on Representations received:

Noted. The only fellings involved will be of 6 Leyland Cypress which are considered to have little visual presence and to not provide any significant contribution towards visual amenity. These trees will be replaced by what is considered to be a more appropriate species. The Council's Arboriculturalist considers that the works proposed would be in the interests of the long term health, safety and wellbeing of the trees.

CONSULTATIONS

Horticulturist

Consultations responses received:

A schedule of work has been included with the application and this gives a concise appraisal of what needs to be done to the Copper Beech, the Magnolia and the Cedar, to ensure the trees safety and future wellbeing in terms of maintenance and future health.

The Leyland Cypress are all of very poor quality, situated in a very shaded, and therefore unsuitable, growing area for this species. I note that they are being replaced with Photinia, a species more suited to grow in such shaded conditions.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas

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 proposed works involve various works to a mixture of trees located to the rear of Flint House. The trees are part of a cluster of mixed species that stand between Flint House and Ham Manor Golf Course.

The only felling involved concerns a row of Leyland Cypress trees which are of low stature and are not considered to be providing any significant contribution towards the character and appearance of the surrounding area. Further, as detailed by the Council's Arboriculturalist, the felling will provide an opportunity to replace these low amenity trees with a more suitable species and this could serve to improve the general appearance of the area.

Due to their height, the crowns of the trees are visible from West Drive which passes to the south and west of the site. The visual presence of the trees helps to reinforce a rural character within the surrounding area. The Council's Arboriculturalist recommends that the proposed works will benefit the long term health of the trees concerned and therefore it is considered that the course of action should be endorsed as it will ensure the trees continued presence and amenity contribution towards the surrounding area.

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works hereby approved shall involve the crown lift by approximately 1 metre and the reduction of approximately 30% in the spread of one Copper Beech, the reduction by approximately 20% in the spread of one Magnolia tree, the felling of six Leyland Cypress trees and the reduction by approximately 30% in the spread of one Cedar tree.

All works shall be carried out in accordance with BS 3998: 1989 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity 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 The applicant shall during the next planting season following the felling of the trees, the subject of part 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.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 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 in accordance with policy GEN7 of the Arun District Local Plan.

- 5 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.

- 6 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.