

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** EG/51/11/T**LOCATION:** 11 Wandleys Drive
Eastergate**PROPOSAL:** Sectionally fell 1 No Pine Tree**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 700 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees the subject of this application.
BOUNDARY TREATMENT	Front boundary is a 1.8 metre high brick wall and trellis, brick flank wall of garage and mature shrubs to road.
SITE CHARACTERISTICS	Detached, modern brick built bungalow with a hipped, concrete tiled roof, located on a corner plot. Detached flat roof double garage to side fronting Wandleys Drive.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising detached modern bungalows.

RELEVANT SITE HISTORY

EG/7/98	New traditional pitched roof	ApproveConditionally 06-03-1998
EG/26/71	Outline for 2 dwellings and garages	Refused 08-09-1971
EG/59/73	2 4000 gallon cesspools to serve 2 new proposed bungalows	Approve 24-10-1973
EG/66/73	2 bungalows and 2 garages	Approve 21-11-1973
EG/71/73/T	Application to fell 4 trees	Approve 19-12-1973

EG/44/74	Erection of temporary fence whilst evergreen hedge is growing	Approve 17-07-1974
EG/143/79/T	Fell one pine tree	ApproveConditionally 06-02-1980
EG/103/83	Proposed new pitched roof to replace defective flat roof	ApproveConditionally 07-09-1983

REPRESENTATIONS

Representations received:

Comments awaited.

West Sussex Wildlife Protection: No felling unless dead or dangerous.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Arboriculturist: No objection to the felling of this tree for the reasons that it does not provide good amenity and due to the loss of the majority of its main stem would be regarded as unstable. I would suggest that the tree is replaced with one of similar species i.e. Pine tree (Scots Pine: *Pinus sylvestris* or Austrian Pine: *Pinus nigra* var. *austriaca*).

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Tree Preservation Order

Outside Built-up area boundary

Special Control of Adverts

PD Restriction

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

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 application seeks to fell 1No. Scots Pine tree located to the front of the property at 11 Wandleys Drive. The tree is covered by Tree Preservation Order EG/1/73. The request to fell the tree is on the basis that a large section of the main stem of the tree has previously been removed. All that remains is a small section of the main stem and one limb, which overhangs the driveway at the front of the property. There is a risk of the limb fracturing and falling onto the driveway of the property.

Although the tree is prominently sited to the front of the property and is readily visible from Wandleys Drive, a large section of the main stem of the tree has already been removed and as such, the remaining overhanging limb and stem has limited amenity value. Moreover, there is a risk that the overhanging limb may fracture. There are a number of Scots Pine trees in the front garden of the neighbouring property, which are considered to have more public amenity value.

The Council's Arborist is satisfied that for the reasons stated, the tree does not provide good amenity value and due to the majority of its main stem having been removed, it would be regarded as unstable. The Arborist recommends its replacement with a similar species, either a Scots Pine or an Austrian Pine.

It is therefore recommended that permission is granted, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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.

- 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 works hereby approved shall involve the sectional felling of 1No Pine Tree. All works shall be carried out in accordance with BS3998: 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.
- 4 The applicant shall during the next planting season following the felling of the tree, the subject of this application, plant a replacement tree of a species and maturity and in a position 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 it by a similar tree in a similar position 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.
- 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.