

TREE WORKS CONSENT REPORT

REF NO: EP/141/09/T

LOCATION: The Frys
14 Vermont Drive
East Preston

PROPOSAL: Crown reduction by 2 metres to one Walnut tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 1025 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	There is another mature tree of a similar height positioned between the northern site boundary and the public highway.
BOUNDARY TREATMENT	The boundary to the front of the dwelling is marked by an approximately 1.2 metre high brick wall which runs between a series of taller brick pillars.
SITE CHARACTERISTICS	The site is occupied by a two storey detached dwelling which has painted render elevation walls and a tiled, hipped roof. There are single storey false pitch extensions on either side of the main dwelling. To the front of the dwelling is a hard surfaced parking area. The Walnut tree which is subject of this application is positioned adjacent to this parking area, close to the eastern site boundary.
CHARACTER OF LOCALITY	The site is located on a corner plot at the junction of two residential roads that are characterised by detached dwellings that are either one or two storeys high and are set back from the road. Large trees are not a common feature of the road, although front lawns and/or landscaping at the front of properties on the streets helps create a green appearance.

RELEVANT SITE HISTORY

EP/105/06/T	Surgery to 1no. walnut tree	Refused 13-09-2006 Appeal: Part Allowed 02 07 2007
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REPRESENTATIONS

Representations received:

East Preston Parish Council

Awaited.

Comments on Representations received:

None

CONSULTATIONS

Horticulturist

Consultations responses received:

I have no reason to object to this, but do emphasise that the only area where the pruning takes place is adjacent to the property, and not an overall pruning which might happen if not controlled. Overall pruning at this time would not be beneficial to the tree. Owing to the fact that Walnuts bleed if maintenance is carried out at the wrong time of the year, the work will have to be postponed until the period between May and September.

Comments on Consultation responses:

Comments noted. A condition will be attached stipulating that the proposed works can only be carried out in the period between May and September.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands

PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 Walnut tree is a distinctive visual feature of the street scene due to its height and spread and its positioning to the front of the dwelling. It, along with a tree of a similar height which is positioned between it and the highway, help to maintain a landscaped appearance to the street which is seen as valuable as this has been reduced by a number of nearby dwellings having their front gardens converted to hard-standing. The trees also help provide definition to the corner between Vermont Drive and Vermont Way.

The proposal is to reduce the crown of the Walnut tree by approximately 2 metres with the reason given being to bring the crown away from the house. It is considered that the proposal is acceptable as it should not impact upon the long term health of the tree, provided it is performed as detailed in the application.

It is also considered that the trees visual contribution towards the character and appearance of the surrounding area is produced in conjunction with the similar sized tree to the front of it and that, following the proposed works, the combined presence of the two trees will remain as a distinctive and valuable feature of the street scene.

It is therefore considered that the application is approved, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works hereby approved shall involve the crown reduction of one Walnut 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 proposed works shall be only be carried out in the period between May and September in the same year.

Reason: To prevent a harmful impact on the Walnut tree by way of bleeding and in the interest of the amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 3 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.

- 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.