

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

REF NO: R/199/14/T

LOCATION: Communal land at Willowhayne Mews
Preston Paddock
Rustington

PROPOSAL: Fell 1 No Silver Birch tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The tree, the subject of this application, is part of a group of 3 trees in total, all being silver birch.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The trees are located on an open lawn area to the front of a group of bungalow dwellings that forms part of the overall landscaping that surrounds the development.
CHARACTER OF LOCALITY	The site is located within the well landscaped former grounds of West Preston Manor, the main building of which is Grade II Listed and is located to the west. Low density residential development, predominantly in the form of bungalow dwellings has recently been built throughout the former grounds. The site is part of a Conservation Area.

RELEVANT SITE HISTORY

R/201/13/T	Remove up to 2 metres from the overhang to 3 No. Betula Pendular (Weeping Silver Birch) trees. Remove dead wood.	ApproveConditionally 09-12-2013
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REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

COUNCIL'S ARBORICULTURALIST:

- This tree is situated in the high amenity area Preston paddock, which has a varied mix of juvenile to over mature specimens that area spread across the landscape
- This outlined individual is quite clearly dead standing. From the site inspection it is clear that this tree was not exhibiting any signs of life in the crown (considering it is part of a group of 3, and the other 2 individuals are in full leaf. This would indicate this tree has not just dropped its leafs due to a shock event occurring, as it would of affected all three trees).
- It should also be noted that this 'dead standing' tree was a mature specimen prior to death, so it is quite possible that this was just the natural end of this particular individual's lifecycle.

Recommendation:

- As this is a 'dead standing' tree, it would be my recommendation to fell this tree, as it is situated in a location where there is the potential for it becoming a hazard, if left to deteriorate further.
- As this is a TPO'ed tree there will be the will be a requirement to replant with a replacement tree.

CONSEERVATION AREA ADVISORY COMMITTEE:

No objection.

Comments on Consultation responses:

Noted. A condition will be added to any approval given requiring a suitable replacement tree is planted. An informative will also be added listing suggested species of trees to be used.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance for Tree Preservation Orders and trees in conservation areas under References ID 36-090-20140306 and ID 36-091-20140306, 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 tree is part of a group of three ornamental silver birch trees. The other trees in the group are currently in leaf whilst the tree that is the subject of this application is bare. The Council's Arboriculturalist has confirmed that the tree is dead. As such, it is considered that it would be acceptable for the tree to be felled.

As the tree plays an important cumulative role in maintaining the well landscaped appearance of the former Manor grounds and, thereby, enhancing the setting of the nearby Grade II Listed Building, it is recommended that a suitable replacement tree be planted.

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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 tree dies within five years following such planting shall replace them 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 the NPPF.

- 2 **INFORMATIVE:** Suggested replacement trees include the following:-

Downy Birch (*Betula pubescens*)
Chinese Red-Barcked Birch (*Betula albo-sinensis*)
Swedish Whitebeam (*Sorbus intermedia*)

- 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 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.