

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

REF NO: A/103/19/T

LOCATION: Along north side of
East Drive
Angmering
BN16 4JH

PROPOSAL: Fell 4 No. Monterey Pine trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	Trees are located along the North side of east drive
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

B/25/02/TC	Fell 3 dead Elm trees within the Burpham & Wepham Conservation Area.	No Objection 18-10-02
Y/3/96/TC	Prune the stem of 1 Yew tree overhanging the church, removing approximately 3.6 mtrs.(12ft.) Remove large dead branchwood from the crown and fit cable brace between the two stems within the Church Road/Main Road Conservation Area	No Objection 23-02-96
AW/165/03/T	Fell 4 White Poplar trees, plus stump and root removal	ApproveConditionally 08-10-03
A/111/08/T	Lop and remove various branches to 1 no. Fir tree.	ApproveConditionally 06-11-08

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

No objections

Nearby occupiers: 3 letters of support, 1 letter of objection

These trees have been causing endless damage to ours and neighbouring properties for a number of years. This past year alone has been particularly bad with major damage to a neighbour's wall and roof damage to my own property (photos are available if required). Most importantly, health and safety consideration must be given to the large number of school children that walk East Drive during term time. The most recent bough to come down was huge but thankfully caused no serious injury to persons, however had the time of day been different the consequences could have been devastating.

The trees appear to be at the last of their natural life. Over the years they have been pruned extensively and as a result look more than unsightly. The bark is coming away from the base of the trees which shed a tremendous amount of pine needles. In addition and more worryingly the cones when shed by the trees can be in clusters which no doubt would injure passers by allowing for the height of the drop. It is a situation where you are waiting for an accident to happen!!! Finally due to past droughts the tree roots are, over the years, becoming more exposed to the lawn surface which has caused people to fall on occasions. All in all the trees have become a natural hazard.

I write to support the above Application and my house is opposite house no.22. Tree no.12 has given us many problems over the years. Substantial falling branches and cone clusters have had many near misses. The tree seems to be dying and could cause very serious injuries to people and property. Tree no.11 has thankfully been removed after damage was caused. Only a few weeks ago a large branch came off tree no.10. It was very fortunate that, as it fell, it snagged on lower branches which caused it to swing round and drop on the grass verge rather than on the road beneath it. These pines are just fragments of the the original avenue of trees along East Drive and many seem to be gradually dying. Serious or even fatal injuries could be caused and it is worth bearing in mind the number of children attending The Angmering School who use it, including those from Rustington who try to avoid the A259. I urge everyone involved to support the Felling Application.

Given the tree consultants recommendation to refuse this application I can see no reason for approving the removal of these trees. Until there is a clear risk of them falling, or clear signs of disease they should be maintained. They will have taken a considerable number of years to reach maturity and are recognised as adding to the environment. The suggestion that other trees could be planted to replace them does not compensate for the loss of these trees and any planned replacements need to be planted in advance of removal to ensure they have developed sufficiently to offset the loss of these magnificent, beautiful, mature trees.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

·T08 - Due to poor form and ongoing justifiable concern for its structural integrity, I would support the

removal of this tree as I believe it presents an unacceptable level of risk for its location. There is ample room for an adequate replacement tree in the verge nearby.

· T09 - Most likely in the early stages of terminal decline and certainly not able to undertake crown renewal and/or achieve enhanced vitality. I believe the removal of this tree at this time would be prudent, as the ongoing risk of harm to persons or property will only increase. Removal can be compensated for within a scheme of replacement planting and aftercare.

· T10 - Visually this tree has become irretrievably compromised and can only decline. Removal can be compensated for within a scheme of replacement planting and aftercare.

· T12 - The essential removal of deadwood alone would leave this tree in a visually dramatic state and unable to undertake crown renewal and/or achieve enhanced vitality. Removal can be compensated for within a scheme of replacement planting and aftercare.

· T13 - I believe the removal of this tree at this time, would be premature and result in undue detriment to the visual amenities of the locality.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance 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

Following comments from the Tree Officer and the agreed change of description from the applicant, it is recommended consent be approved.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 · Once the four pine trees have been felled (and either grubbed or ground out) then individual replacement trees are to be planted in the same place or nearby and to within 4 metres. These must be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads. They are to be planted within 12 months of the removal of the four pine trees.

The species shall be selected from the following:-

Pedunculate oak - *Quercus robur*

Austrian/Corsican pine - *Pinus nigra Austriaca/maritima*

Elm / *Ulmus lutece* or similar species with proven degree of high resistance to DED.

Reasons: To accord with current industry guidelines and sound arboricultural practice in general

- 2 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.

- 3 **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.