

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

REF NO: A/138/25/T

LOCATION: The Firs
Roundstone Lane
Angmering
BN16 4AT

PROPOSAL: Reduce 3 No. Beech trees (G1) to heights of 9m and spreads of 6m. Reduce 1 No. Cherry (T3) to a height of 8.5m and spread of 7m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined within this application are located at The Firs, Roundstone Lane.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

A/130/25/T	2 No. Beech (G1) crown reduction to leave a height of 9m and a spread of 6m, 2 No. Popular (G2) pollard to leave a height of 7m, 1 No. Cedar (T1) crown reduction to leave a height of 10.5m and a spread of 8.5m, 1 No. Cedar (T2) crown reduction to leave a height of 10.5m and a spread of 8.5m and 1 No. Cherry (T3) crown reduction to leave a height of 8.5m and a spread of 7m.	Withdrawn 10-09-25
A/148/19/T	T2 Cedar - Crown lift to 2.5metres on all aspects. - Reduce crown spread (lateral extent) on west aspect only, by maximum of 1.5metres. T3 Cherry - Crown reduction by maximum of 2metres. T4, T5, T6 Beech - Crown reduction by maximum of 3metres	ApproveConditionally 13-02-20

Relevant planning history noted.

REPRESENTATIONS

Angmering Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER - There are three distinct groups of beech, growing equidistant along the front boundary. It is assumed from past applications and recent correspondence between the agent and LPA, that all are to receive the same operation. That work will be consistent with their shared pruning history for which we have granted consent. Roadside they are highly visible from numerous properties and to users of the public highway (footway and carriageway).

The two large cedar trees are visible from surrounding properties and in part from the public highway. Whilst relatively large for the plot, they are mostly accommodated within garden space and no reason for the proposed work has been given other than they are considered oversized.

Cedar trees have a poor tolerance of hard pruning. The extent proposed would be especially harmful to their ongoing health and vitality, in addition to effectively destroying them as a public amenity. Their aesthetic appeal is much derived from the pendulous tips of leading shoots and distal branches, which would be lost entirely if this proposal were to proceed.

The cherry has been reduced in height and spread previously but appears to display minimal growth response to the most recent operation. There is a localised dieback of small branches in the upper crown, indicative of disease. There is an active fungal bracket north side of the stem base (*Ganoderma* spp.), although no report of that decay having been confirmed as extensive. Limited public view of tree, retain some ornamental value.

Conclusions:

Work proposed for G1 and T3 is justified and/or acceptable. If undertaken to a high standard and at the right time it ought not to incur undue harm and only a temporary loss of visual amenity.

Work proposed for T1 and T2 has not been justified on arboricultural grounds and would result in excessive reduction of the trees' landscape impact and undue detriment to the visual amenities of the locality.

Recommendation:

As it stands, I am unable to support this application. I would like the applicant to be invited to agree to a revision, by removing items T1 and T2 from the proposal, as part of the current application so as not to incur further delay. Such work would go some way to addressing the applicant's concerns whilst ensuring no detriment to tree health or loss of amenity.

If the applicant agrees to the above revision then I would be able to recommend we grant consent, subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. T1 and T2 have been removed from the application.

POLICY CONTEXT

Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments received from the Tree Officer, it is recommended that consent be granted subject to the following condition and informatives.

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 Part a) Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.
 Part b) Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.
 Part c) Where crown reduction work has occurred previously, the removal of subsequent growth (shoots and branches) and position of final cuts must ensure retention of all established knuckles.

 Reasons: In the interests of the trees' continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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 0345 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.
- 4 INFORMATIVE: Although they may respond with vigour, beech have a poor tolerance of hard pruning and long-term vitality can be severely affected. The optimum time for pruning beech is late spring to summer (May to August). The optimum time for pruning a cherry tree is during summer months (June to August).