

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

REF NO: A/148/19/T

LOCATION: The Firs
Roundstone Lane
Angmering
BN16 4AT

PROPOSAL: 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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The Trees are situated on the site of the Firs Roundstone Lane
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

A/155/14/T	Reduce branches on East face by 1.5 m, reduce branches on West face by 1.2m & reduce height by 3m to group of 3 No Beech trees, reduce crown by up to 1.5m to 1 No Cherry tree, reduce longest branches by up to 1.5 m to 1 No Cedar tree, reduce branches nearest property by up to 2m to 1 No Cedar tree & raise canopy to 4m to 1 No Scots Pine tree.	ApproveConditionally 11-12-14
A/137/10/T	Various tree surgery	ApproveConditionally 09-12-10
A/154/07/	Outline application for demolition of existing house re-development with ten terraced houses and one flat. (This application is a Departure from Development Plan)	Refused 18-12-07

The relevant planning history has been noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

No objections

No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

T1 - This multi-stemmed large tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile. It is highly visible from publicly accessible land, possessing both landscape and visual amenity value.

· T2 - This single stemmed tree appears to be outwardly healthy and stable with a relatively unmodified crown. Attractive and uniform upper crown, asymmetric branch development in the lower half due to competition with neighbouring trees.

· T3 - Limited public view of tree but has significant ornamental value. Appears to be outwardly healthy and stable with an attractive profile despite past crown reduction work (c2015) - from which it has 'grown on' with vigour, typical for a healthy example of its type.

· T4, T5, T6 - In linear formation equidistant along front boundary of property; three distinct multi-stemmed groupings. They can be regarded as 'pollards' for the purpose of future management although crudely initiated with a 'topping out' of the main stem and severe truncation of limb framework. Roadside they are highly visible from numerous properties and to users of the public highway (footway and carriageway). They have 'grown on' well such that they will present attractive crown profiles when in leaf. Repeat operations such as now being asked for by the applicant will be necessary throughout the remaining life-span of these trees, to achieve a reasonable degree of structural integrity appropriate for their location.

Conclusions:

· T1 and T2 - The tree work proposed in the application has not been justified on arboricultural grounds. This tree type is intolerant of hard pruning and the extent proposed would be damaging to their ongoing health and vitality. T1 is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality. There is limited public view of T2 at present, but this will increase if the tree is left to develop naturally and so provide a significant long-term amenity. It is unusual for such a tree to enjoy the room to develop with no foreseeable threat of above/below-ground interference and is an ideal candidate to become a

future landmark tree of considerable stature and visual amenity.

· T3 - The proposal to reduce its overall height and spread with a view to restricting its growth is justified and consistent with previous works approved by the Local Planning Authority. If the work is undertaken to a good standard and at the right time; then it is unlikely to have an adverse effect on the tree's long-term vitality and visual amenity.

· T4, T5, T6 - These trees have the potential to develop heavy and congested limb/branch frameworks if allowed to grow unchecked, such that they may suffer partial failure of the same. While a temporary loss of aesthetic value is inevitable, satisfactory canopy renewal and recovery should occur if the work is undertaken to a high standard and at an appropriate time of year. The work proposed is necessary to mitigate risk of structural failure and so justified on arboricultural grounds.

Recommendations:

· As it stands, I recommend REFUSAL for this application due to the unsuitability of work proposed for items T1 and T2.

I would like to see the applicant submit a revised application for lesser works work such as detailed below, which would seem to address most of their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

T2 Cedar

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- 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.

If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following conditions:

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary
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 the comments from the Tree Officer, it is recommended consent be

HUMAN RIGHTS ACT

FOR APPROVAL

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.

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Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 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

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.

T3, T4, T5 & T6 - The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

The long-term vitality of trees (T3, T4, T5 & T6) is best respected when significant pruning work such as proposed, is undertaken during the late-spring to summer period (May to August). The work proposed must only be undertaken during this period.

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, 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.