

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** **A/150/17/T****LOCATION:** St Margarets Court
 Arundel Road
 Angmering**PROPOSAL:** Fell 1 No. Lawson Cypress tree & various other tree surgery.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
TREES	The trees are situated on the land at St Margaret's Court
SITE CHARACTERISTICS	The site is occupied by a group of linked two storey sheltered housing units.
CHARACTER OF LOCALITY	The site is situated in Angmering Conservation Area and is predominantly residential.

RELEVANT SITE HISTORY

A/67/96/TC	Fell one Sycamore tree within the Angmering Conservation Area	Objection 12-09-1996
A/61/99/T	Lopping of 1 Sycamore tree.	Refused 17-11-1999
A/134/01/T	Surgery to one Sycamore (Acer Pseudoplatanus) tree. To this the crown by 20% and reduce the remainder by a maximum of 10%.	Approve Conditionally 16-11-2001
A/135/02/TC	Surgery to various trees within the Angmering Conservation Area.	No Objection 07-01-2003
A/113/04/TC	Fell 2 Acer pseudoplatanus "Nizetii" trees in rear garden within the Angmering Conservation Area.	No Objection 17-09-2004
A/74/08/T	Application to fell 1 no Sycamore tree	Refused 03-09-2008 <i>Appealed</i> Appeal: Dismissed 21 04 2009
A/15/11/T	Fell one large Sycamore.	Refused 12-04-2011

A/102/15/TC	Dismantle & fell 1 No. Norway Maple to ground level within the Angmering Conservation Area	Objection 27-08-2015
A/179/15/TC	Fell 1 No. Silver Birch tree, fell 1 No. Sycamore tree, reduce height of 1 No. Lawson Cypress tree by 2m & remove lower branch on north facing side of 1 No. Silver Birch tree within the Angmering Conservation Area.	No Objection 26-01-2016
A/84/16/T	Fell 1 No. Norway Maple tree.	ApproveConditionally 05-07-2016

Relevant planning history noted

REPRESENTATIONS

Representations received:

Angmering Parish Council

Recorded no objection to the proposed pruning works. The objection is to the felling of the Lawson Cypress (T3) without any provision made for replanting. If the applicant will undertake to replant a suitable native species of tree the objection can be withdrawn.

No representation from nearby occupiers

Conservation Area Advisory Committee

No comment

Comments on Representations received:

Comments noted

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree officer Comments

* The application states 20% and 30% reductions (which equate to 2m and 3m and then it states all trees to be reduced by 4m which is confusing and contradictory.

* The Blue Cedar T4 does not require any works being undertaken to it as this would undermine its amenity value in the landscape.

* I can see that the Lawson Cypress T3 is a very poor tree and hinders growth of others so am happy to see it removed.

Conclusion

* The works proposed is standard maintenance and I have no issues with this being undertaken but I do object to the excessive amount of reduction which has been requested.

Recommendations:

* I recommend APPROVAL for the felling of Lawson Cypress T3 no replacement tree will be required on this occasion].

* I recommend REFUSAL for all other the works as listed in the application.

ADVISORY:

I would look favourably on a re-submitted application seeking the following:-

- T1 Box Elder - reduce crown by 1.5m to 2m maximum.
- T2 Lawsons Cypress - reduce crown by 1.5m to 2m maximum.
- T3 Lawsons Cypress - fell to ground level
- T4 Blue Cedar - no works advised at this time
- T6 Mountain Ash - reduce crown by 1m maximum.
- T7 Judas Tree - no works advised at this time
- T8 Silver Birch - reduce crown by 1.5m to 2m maximum.
- T9 Silver Birch - reduce crown by 1.5m to 2m maximum.
- T10 Sycamore - reduce crown by 2.5m to 3m maximum.
- T11 Sycamore - reduce crown by 2.5m to 3m maximum.
- T12 Box Elder - reduce crown by 1.5m to 2m maximum.
- T13 Mountain Ash - reduce crown by 1m maximum.
- T14 Hawthorn - reduce crown by 1.5m to 2m maximum.
- T15 Cherry - reduce crown by 1.5m to 2m maximum.

If this comes back in as above then I would recommend the following Condition is applied to it -

Conditions To Be Applied to All Approved Works: -

- * 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.

Reasons : In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Conservation Area
Tree Preservation Orders

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

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 above agreed change of description, it would be recommended that consent be approved subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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 Conditions To Be Applied to All Approved Works: -
 - * 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.

Reasons : In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 It is noted that the works hereby approved shall be carried out as follows, in accordance with the acceptance from the applicant, detailed in the email dated the 11th of October 2017.

T1 Box Elder - reduce crown by 1.5 to 2m maximum
T2 Lawsons Cypress- reduce crown by 1.5m to 2m maximum
T3 Lawsons Cypress - fell to ground level
T4 Blue Cedar- no works advised at this time
T6 Mountain Ash- reduce crown by 1m maximum
T7 Judas Tree - no works advised at this time
T8 Silver Birch- reduce crown by 1.5m to 2m maximum
T9 Silver Birch - reduce crown by 1.5m to 2m maximum
T10 Sycamore- reduce crown by 2.5m to 3m maximum
T11- Sycamore- reduce crown by 2.5m to 3m maximum
T12 Box Elder- reduce crown by 1.5 to 2m maximum
T13 Mountain Ash- reduce crown by 1m maximum
T14 Hawthorn - reduce crown by 1.5m to 2m maximum
T15 Cherry- reduce crown by 1.5m to 2m maximum

Reasons : In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 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.