

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

REF NO: A/183/17/T

LOCATION: 1 West Drive
Angmering

PROPOSAL: Crown Reduction of 2-3m to 1No Horse Chestnut tree and to remove dead branches and dieback.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is situated in the front garden of 1 West Drive.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

A/149/04/T	Lop one Chestnut tree	ApproveConditionally 15-12-2004
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Noted

REPRESENTATIONS

Representations received:

Angmering Parish Council

Parish Council provided no objection

Representation from a nearby occupier in support of the application.

Comments on Representations received:

Noted

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer Comments:

This tree contains a lot of small diameter branch dieback.

It also contains large diameter dead branches and some storm damaged and broken and retained branches hanging above the road.

There is some evidence of Bleeding Canker but not to a sufficient level that removal is the only option here.

It is noted that several limbs have been shed from this tree in recent weeks and this is no surprise given the high levels of deadwood and storm damage that have been noted retained in the crown.

Conclusions

The works proposed is in my opinion excessive in order to make safe and control the problems being experienced with the tree.

I believe that there is a pruning solution involving the removal of all dead branches and dieback and then lightly reshaping and reducing the height overall to make safe and give a solid framework for future growth.

I also suggest that when the tree surgeon climbs the tree he takes pictures of any serious defects that there may be present which cannot be seen from ground level- in case additional work are necessary to make safe.

I would however be prepared to look at this again next Spring when the tree comes into leaf as it is not possible at this time of year to accurately gauge tree vigour and vitality.

Recommendation

I recommend refusal for the felling of this tree.

Comments on Consultation responses:

Comments noted.

Further consultation was undertaken with the tree officer who advised a crown reduction of 2-3 metres would be acceptable.. The description was changed in line with his comments.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPG
NPPF

National Planning Practice Guidance
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

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 further consultation with him, a revised description was agreed with the applicant and therefore it is recommended that consent be approved subject

to the following 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), 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

- 1 **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.
- 2 **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.