

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

REF NO: A/191/25/T

LOCATION: Angmering Medical Centre
Station Road
Angmering
BN16 4HL

PROPOSAL: Crown lift over car park/ footpath to 2.5m G2 (Field Maple, Lawson Cypress, Common Ash, Wild Cherry and Elder), clear structure/wires/building by 1m and crown lift to 2.5m over car park/footpath to 1 No Sycamore tree (T1), sever and remove ivy to 1.5m above ground level to 1 No Sycamore tree (T4) and crown lift over car park/footpath to 2.5m to 1 No Goat Willow (T6)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees are located around the boundary of Angmering Medical Centre.
SITE CHARACTERISTICS	Healthcare Premises.
CHARACTER OF LOCALITY	Residential.

REPRESENTATIONS

Angmering Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer - I have considered this application by means of a desktop review, using the information submitted as well as online resources. Previous consideration from site and familiarity with surrounding areas provide further insight to the proposal.

The majority of trees listed in the proposal are not of sufficient age to be subjects of the historic woodland order, ref TPO/A/4/69, with the possible exception of T4. This one sycamore is a large and prominent roadside tree, stated to be healthy and in a fair condition structurally. No work is proposed that would require prior notice to or consent from the local planning authority.

For completeness, the remaining trees listed for work are useful for screening and ecological purposes

but seemingly lack the necessary properties to qualify them for preservation in the interest of amenity. The work proposed for these trees is uncontroversial.

Conclusions: There is no work proposed for trees that are subject of a preservation order or within a conservation area. The work is uncontroversial and there is no requirement for an order to be made to preserve in the interest of amenity.

Recommendation: The applicant be invited to withdraw their application and advised to proceed without further recourse to this Authority.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant was invited to withdraw in light of these comments, however no response has been received.

POLICY CONTEXT

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

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

CONCLUSIONS

Following comments from the tree officer, and no response from the applicant to the offer of withdrawal, it is recommended 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) 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

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 (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.
- 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 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.
- 3 **INFORMATIVE:** The trees considered under this application, with the exception of T4, are not protected by a Tree Preservation Order. The work proposed to T4 does not require approval from the Local Planning Authority.