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

**REF NO:** A/267/22/T

**LOCATION:** 1 West Drive
Angmering
BN16 4JE

**PROPOSAL:** Crown reduction to 1 No. Horse Chestnut to leave height 6m and spread 6m.

## SITE AND SURROUNDINGS

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|---|---|
| DESCRIPTION OF APPLICATION | Crown reduction to 1 No. Horse Chestnut to leave height 6m and spread 6m. |
| TREES | None of any significance affected by the proposed development. |
| SITE CHARACTERISTICS | Dwelling. |
| CHARACTER OF LOCALITY | Residential. |

## RELEVANT SITE HISTORY

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|---|---|---|
| A/183/17/T | Crown Reduction of 2-3m to 1No Horse Chestnut tree and to remove dead branches and dieback. | Approve 29-11-17 |
| A/149/04/T | Lop one Chestnut tree | ApproveConditionally 15-12-04 |

Comments noted.

## REPRESENTATIONS

Angmering Parish Council - No Objection.

No representation from nearby neighbours.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Council Tree Officer:

Horse chestnut / Aesculus hippocastanum Height: 10-15m Radial spread: 5-10m Age class: Mature.

Outwardly and with restricted view of lower main stem (obscured by perennial vegetation) this tree appears to be sound and stable and assumed to be so in the absence of any evidence provided to the contrary. It is a large tree which occupies a prominent and elevated position roadside. There is clear evidence of recent pruning work across the crown, involving removal of dead wood and possibly dangerous branches, which would qualify as an exception. There are several cavities associated with historic pruning wounds, typical of the species at this stage of life. Bark death below recent pruning cuts on two scaffold limbs and irregular crown shape post-pruning suggest a tree in decline, although no obvious cause was evident to me or in supporting statement made by the applicant/agent. The tree is a significant feature in the local landscape and appears to be in 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. The application is recommended for refusal.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted

## POLICY CONTEXT

TPO Reference.
Built-up Area Boundary.

## DEVELOPMENT PLAN POLICIES

## PLANNING POLICY GUIDANCE:

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|---|---|
| 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

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

Substantive pruning has addressed recent limb failures, however further reduction in crown volume, especially to the extent now proposed, would incur additional physiological stress upon the tree and accelerate its decline. This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. It is a significant feature in the local landscape and appears to be in 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. As such, the application is recommended for refusal for the following reason.

## 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

REFUSE

1 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.

2 INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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 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.