

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

REF NO: A/37/19/T

LOCATION: 21A Lansdowne Road  
Angmering  
BN16 4JX

PROPOSAL: Crown reduction of 2m to 1 No. Walnut tree.

**SITE AND SURROUNDINGS**

|                            |                                                                                       |
|----------------------------|---------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above                                                                              |
| TREES                      | The tree outlined in this application is located in the front garden of the property. |
| SITE CHARACTERISTICS       | Dwelling.                                                                             |
| CHARACTER OF LOCALITY      | Residential.                                                                          |

**RELEVANT SITE HISTORY**

|           |                                                                   |                                  |
|-----------|-------------------------------------------------------------------|----------------------------------|
| A/20/94/T | Crown reduction & thinning, removal of dead wood to 1 Walnut tree | ApproveConditionally<br>25-03-94 |
|-----------|-------------------------------------------------------------------|----------------------------------|

Relevant planning history noted.

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Angmering Parish Council  
No response.  
Conservation Area Advisory Committee: No objection, no comment, refer to the Tree Officer.  
No representation from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS**

Arboriculturist

**CONSULTATION RESPONSES RECEIVED:**

The applicant has employed Andrew Gale Tree Surgery Ltd to assess the tree and report on its condition. This is sufficient and recommends a balanced work proposal to best manage the tree in an appropriate state for its location.

This tree appears to be outwardly healthy and stable. On closer inspection it is clear that multiple areas of decay within major stems are collectively significant. The recent loss of the central stem has exposed the east and west tending stems and as such may be vulnerable to breakage.

It is prominent at the front of the property and can be clearly seen from adjacent residential dwellings and in part to public highway users. As such, it has public amenity value.

The work proposed is necessary to mitigate risk of structural failure and so justified on arboricultural grounds.

If the work is undertaken to a good standard and at the right time; then it is unlikely to have an unduly detrimental effect on the tree's long-term vitality and visual amenity.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Noted.

#### **POLICY CONTEXT**

Tree Preservation Order

Built up area boundary.

#### **DEVELOPMENT PLAN POLICES**

#### **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 approved conditionally, subject to the following conditions.

## 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        **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.
- 3        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.  
The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid-winter (mid-December to mid-February) periods. The work proposed must only be undertaken during

these periods.

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

- See also the standard pruning guidance notes issued with the consent letter