

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

REF NO: A/50/21/T

LOCATION: Acorns
Arundel Road
Angmering
BN16 4ET

PROPOSAL: Fell 1 No. Oak tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located at Acorns, Arundel Road.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

A/49/21/T	Fell 1 No. Oak tree and replace with 1 No Oak tree.	Withdrawn 06-04-21
A/112/19/T	Remove large lower bough on southern aspect by approx 4m to 1 No. Oak tree.	ApproveConditionally 21-10-19
A/142/18/T	Crown lift of approx 2.5m to 2No Oak trees & crown thin of 25% to 2No. Willow trees.	ApproveConditionally 04-01-19
A/110/13/	Single storey side extension with pitched roof.	ApproveConditionally 18-10-13
A/71/06/	Caravan park owners accommodation (single dwelling) together with park reception area (Departure from the Development Plan)	Withdrawn 22-09-06
A/153/07/	Replacement Caravan park owners accomodation (single detached dwelling) together with caravan park	ApproveConditionally 07-02-08

reception area. (Departure from the Development Plan)

Relevant site history noted.

REPRESENTATIONS

Parish Council - No Objection (No Comment).

Nearby occupiers - no representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Outwardly and from distance this tree appears to be in a fair physiological state. It has previously been the subject of hard crown reduction pruning, following which epicormic growth has emerged from the main stem but with only moderate shoot extension in the upper crown. Overall, the crown presents a rather stunted appearance.

Close inspection of the stem base reveals a void on the W side which betrays a large cavity extending above and below ground level. The opposing side when also tapped with a nylon hammer suggests decay is extensive across the main stem. Discoloration of the soft bark is a likely trace of past fungal bracket attachment. Amongst the leaf litter around the stem base are several desiccated fragments of the same, susp. *Inonotus dryadeus*.

Conclusions:

The applicant is keen to retain the tree although to do so would require a repeat of the crown reduction pruning, that I fear would accelerate its decline. Given the target area (high frequency usage) and foreseeable ongoing deterioration of the main stem and structurally important roots - I consider long-term retention of this tree to be intolerable for the applicant.

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

Recommendation:

I recommend CONSENT for this application, subject to the following condition:

Condition to Be Applied to Approved Work: -

Once the tree has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same place or nearby and to within 10metres.

This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads.

It is to be planted within 12 months of the removal of the oak tree.

The species shall be selected from the following: -

Pedunculate oak *Quercus robur*

Field maple *Acer campestre*

Wild service *Sorbus torminalis*

Reasons: To accord with current industry guidelines and sound arboricultural practice in general.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Outside Built-Up Area Boundary.

Tree Preservation Orders

Area of Special Control

WSCC Mineral Consultation Area

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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the tree officer, it is recommended consent be approved (granted), subject to the following conditions and 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

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

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- 2 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.
- 3 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.