

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

REF NO: A/64/18/T

LOCATION: Worthing Audi
Roundstone By-Pass Road
Angmering
BN16 4BD

PROPOSAL: Copper Beech (T1) - fell due to approved construction works having compromised the life expectancy. Replant with one *Carpinus betulus* 'Fastigiata' in the same place.
Copper Beech (T2) - fell due to approved construction works having compromised the life expectancy. Replace with 5 x *Sorbus aria* 'Majestica' in locations recommended by the Tree Officer.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located on the land at the Worthing Audi site, Roundstone-by-Pass Road, Angmering.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

No relevant planning history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Parish Council - Objection - The Parish Council raise issues relating predominantly to the enforcement case and possible harm to the trees during the building works.

Nearby Occupiers:

3 Letters of Support

- The contents within these letters suggest that these were in fact, supposed to be letters of objection.

206 Letters of Objection.

- This is an act of calculated vandalism.
- This is the destruction of bird nesting sites.
- The trees are beautiful.

- The Tree Preservation Order should be honoured.
- The trees are part of the history of the area.
- Newly planted trees will not compensate for the loss of the existing trees.
- The trees protect from glare off the windscreens of the cars on the forecourt.
- The trees prevent Angmering from becoming a concrete jungle, like London.
- One objector does not believe that the roots have been damaged.
- The trees will coat the cars in bird mess, sap, and leaves which will cost the company significant amounts of money to maintain over the years. However, this does not justify the felling of trees.
- There is no evidence presented on the extent of the root damage.

There were many references relating to details of the relevant enforcement case and , which are not considered as part of this application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -

T1 & T2 Beech, purple-leaved - *Fagus sylvatica Purpurea* - Height: Approx. 14m - Average spread: 5m - Age: Early mature

- Both trees appear generally stable, free from obvious structural defect and in fair physiological condition at this time.
- Recent soil/root disturbance has undoubtedly compromised their ongoing health and vitality. It follows that their life expectancy has been diminished.
- T1 and T2 are significant features in the local streetscene, with greater exposure and visibility following site clearance of boundary vegetation.

Conclusions:

- It is clear from the amount of intrusion into (by way of excavation to facilitate construction) and soil compaction over anticipated rooting areas, that both trees will experience physiological distress as a direct consequence. It is not possible so soon after these episodes of damage to accurately predict the extent of future loss of vitality or safe, useful life expectancy.
- The trees appear outwardly sound and no evidence of structural instability has been provided in support of the application. As such, these trees continue to provide significant visual amenity and have not been proven to present an unacceptable level of risk for their location, so should be retained.
- The tree work proposed in the application has not been justified on arboricultural grounds.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

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 that this application be refused.

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 neutral 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).

RECOMMENDATION

REFUSE

- 1 The trees appear outwardly sound and no evidence of structural instability has been provided in support of the application. As such, these trees continue to provide significant visual amenity and have not been proven to present an unacceptable level of risk for their location, so should be retained.