

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

REF NO: A/68/26/T

LOCATION: 24 The Groves
Angmering
BN16 4QS

PROPOSAL: Crown lift to provide a maximum of four metres overhead clearance on all aspects, to 1 no. lime tree (T1).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located at the 24 The Groves, Angmering.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

A/12/25/T	Removal of overhanging limb from 1 No. Lime.	ApproveConditionally 19-03-25
-----------	--	----------------------------------

Relevant planning history noted.

REPRESENTATIONS

Angmering Parish Council - No comment.

1 letter of objection received from nearby occupier summarized:

- No evidence has been provided that the tree is unsafe, diseased, causing damage, or requires arboricultural work.
- The tree is part of a protected group of mature Lime trees covered by TPO/A/2/17.
- The proposed works are based on a preference for a smaller tree, not a justified need.
- The tree makes an important contribution to visual amenity, screening, biodiversity, and the wider environment.
- Approval would set a precedent for similar works to neighbouring protected trees, risking gradual erosion of the protected tree belt.
- Similar concerns about protecting these trees were raised in relation to application A/12/25/T, which involved less extensive works.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER

From the field to the north, T1 appears to be in a fine physiological state and with moderate-good form.

One of several lime trees well-spaced in linear formation, which have potential to become important and prominent features in the landscape. They were purposefully retained as part of the recent estate development and optimally located relative to dwellings. The development of broad and largely unmodified upper crowns will increase their landscape impact and amenity value, so is desirable.

The whole crown reduction pruning proposed will introduce structural defects at height and likely condemn the tree to a lifetime of unfulfilled landscape potential. Low branches may become problematic and especially as the tree reaches maturity, so early formative pruning will limit wound size.

Conclusions:

The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The main element of 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 removal of low small diameter branches to achieve adequate long-term clearance on all aspects, is justified and unlikely to have any harmful effect if undertaken to a high standard.

Recommendation:

As it stands, I am unable to support this application. I would like the applicant invited to agree to a revised proposal for lesser works (as described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing the applicant's concerns whilst ensuring no undue detriment to tree health or loss of amenity:

- Crown lift to provide a maximum of four metres overhead clearance on all aspects, to 1 no. lime tree (T1).

COMMENTS ON CONSULTATION RESPONSES:

The applicant has agreed to amend the application description for the proposed works in accordance with the Tree Officer's recommendation.

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 the comments from the tree officer, it is recommended consent be approved, subject to the following condition 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

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 Part a) 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

Part b) 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.

Part c) All pruning cuts shall not exceed 75mm in diameter.

Reasons: In the interest of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 INFORMATIVE: As per section 17, paragraph 4 (a) and (b) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, this consent is only valid for 2 years and may only be carried out once.
- 3 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.
- 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.