

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: A/99/19/TC

LOCATION: Angmering Manor Hotel
High Street
Angmering

PROPOSAL: Reduce 2 No limbs on south/south east aspect by approx 4m to 1 No. Holm Oak tree within the Angmering Conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	Tree is situated on the grounds of Angmering Manor Hotel.
SITE CHARACTERISTICS	Hotel.
CHARACTER OF LOCALITY	Mixed Residential and Commercial.

RELEVANT SITE HISTORY

A/40/09/TC	Reduce crown by approx one third and remove deadwood of 1no. Ilex Holme Oak within the Angmering Conservation area.	No Objection 22-06-09
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Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None
No representation from nearby occupiers
No response

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

This is a large and aged example of its type, with a correspondingly complex crown and management history.

It appears to be outwardly sound and stable with an attractive crown profile. It is prominent within the ornamental grounds of the hotel and can be seen from surrounding properties.

The applicant has proposed to cut back heavy limbs growing over their property, to such an extent that no leaf-bearing twig structure would remain and large wounds be created. Such work may jeopardise the long-term survival of those limbs as they may not be able to produce enough new growth to sustain themselves nor be able to resist the ingress of decay-causing organisms.

Conclusions:

- This veteran tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.
- The applicant proposes an approximate 4metre reduction in lateral spread of limbs. This would exceed the recommendations in British Standard 3998:2010 - Tree Work and be likely to result in harm to the health and vitality of the tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up area

Conservation 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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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 of the Tree Officer, it is recommended that an objection is raised. A TPO has been made to protect the tree.

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

OBJECTION

- 1 The tree is a significant feature in the local landscape and appears to be in adequately 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,