

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

REF NO: A/105/19/T

LOCATION: Blue Cedars
1 Blue Cedars Close
Angmering
BN16 4DW

PROPOSAL: Row of 16 No. Cupressus Leylandii remove seasonal growth and reduce height by up to 1m.
Row of 8 No. Cupressus Leylandii remove seasonal growth and reduce height by up to 1m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	Trees located on site of 1 Blue Cedars Close
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

A/118/18/T	Row of 16 Cupressus Leylandii approx 4.5m tall - remove seasonal growth & reduce height by up to 1m. Row of 8 Cupressus Leylandii approx 4m tall - remove seasonal growth & reduce height by up to 1m	Approve 06-11-18
A/151/17/T	1m Height Reduction & Crown Reduction to previous pruning points to 24No. Leylandii.	Approve 05-10-17
A/149/16/T	Remove top growth of 1m & seasonal growth to sides to row of 16 Cupressus Leylandii & remove seasonal growth to row of 8 Cupressus Leylandii.	ApproveConditionally 15-09-16
A/104/15/T	Remove top seasonal growth to row of 16 Cypress Leylandii & a row of 8 Cypress Leylandii by 1m & trim both sides.	ApproveConditionally 11-09-15

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

No Objections

No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

G1 Leyland cypress X Cuprocyparis leylandii Height: Approx. 4m Average spread: 0.5m Age class: Mature

The applicant makes a distinction of separate tree groups, described as items 1 and 2 but collectively recorded as G1 on the Tree Preservation Order schedule. They are maintained as boxed structures to provide formal garden features of screening value but provide little visual amenity to the surrounding area by virtue of their reduced dimensions.

Conclusions:

The proposal to reduce overall height and spread with a view to maintaining formal appearance is justified and consistent with previous works approved by the Local Planning Authority.

While these trees may add value to the garden they are of limited public amenity value. Ongoing maintenance (seasonal trimming) will be necessary to keep them in an appropriate state.

There will be no loss of public amenity on completion of the proposed works.

Recommendations:

I recommend CONSENT for this application and that the applicant be advised of the following

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

- Within the Built Up Area Boundary
- Tree Preservation Order

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

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 of the Tree Officer, it is recommended consent be approved. Subject to the following conditions and informative:

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:** This specific operation is likely to be required regularly throughout the tree group's remaining lifespan and if undertaken to the same high standard ought not to be detrimental to their ongoing health and vitality. Future applications for the work as described above will no longer be necessary, subject to the applicant providing adequate written notice to this authority and whilst undertaking such work must not cut back on any aspect to beyond sustainable live growth.

Reasons: To facilitate the frequent trimming necessary to maintain the formal screening which these trees currently provide.

- 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 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.