

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

REF NO: A/143/18/T

LOCATION: Pound Place
Roundstone Lane
Angmering
West Sussex

PROPOSAL: Reduce radial spread to leave no less than 2 metres of branch growth extending beyond the garden boundary fence line to 14No. Leyland Cypress trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located along the front boundary.
SITE CHARACTERISTICS	Dwelling with surrounding gardens
CHARACTER OF LOCALITY	Residential area.
History noted.	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Angmering Parish Council

Angmering Parish Council: No objection received from Angmering Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

- Outwardly and from a distance these trees appear to be in a fine physiological state. They grow immediately to the rear of the property and can be seen from neighbouring dwellings. They form part of an extensive linear group of evergreen trees within the expansive grounds of the established property north of Brougham Grove, which can clearly be seen from publicly accessible land and public highway.
- While providing an effective screen between the established property and recent estate development to the south, they present as a dominant feature being so tall as to exceed the depth of the rear gardens

serving properties to the north of Brougham Grove.

·The removal of dead or imminently dangerous branches is an exception and does not require permission, although in respect of the latter those undertaking are required to notify this authority at the earliest opportunity and works should only be to the extent that the immediate threat to person(s) or property is abated. Any work desired beyond that which is absolutely necessary requires a formal application.

·The reduction of low branches has been specified in detail.

Conclusions:

-The work proposed is in principle justified on arboricultural grounds as it seeks to maintain reasonable enjoyment of the garden with respect to natural tree form, although the meterage proposed is excessive and unacceptable.

·The work proposed is unnecessarily severe and in places would result in damaging loss of leaf-bearing volume, leading to individual branch death.

Advisory:

·I would like to see the applicant submit a revised specification seeking lesser work, such as detailed below, which would seem to address their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

- Reduce radial spread to leave no less than 2m of branch growth extending beyond the applicant's recently installed garden boundary fence-line.

·If the applicant is prepared to amend their application in line with this advice, then I would be able to recommend APPROVAL subject to the following condition:

Condition To Be Applied to Approved Work: -

·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.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

Mark Warwick

Tree Officer / Parks and Greenspace Team

COMMENTS ON CONSULTATION RESPONSES:

The applicant has agreed to the proposed advisory and therefore the application description has been amended to accord with the advisory suggested by the Tree Officer.

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 comments from the Tree Officer, it is recommended consent be approved 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

- 1 ·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.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 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.