

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

REF NO: LU/279/17/TC

LOCATION: 5 Selborne Place
Selborne Road
Littlehampton

PROPOSAL: Remove Conifer row consisting of 3No. Conifer trees to ground level. Radial reduction of 1No. Lime tree of up to 2.5m, height reduction of up to 2.5m, crown lift of up to 5m & crown thinning of 15% within the Littlehampton Sea Front Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

TREES

The tree outlined in this application is located on the land at 5 Selbourne Place, Selbourne Road, Littlehampton.

SITE CHARACTERISTICS

Dwelling.

CHARACTER OF LOCALITY

Residential.

RELEVANT SITE HISTORY

No relevant planning history.

REPRESENTATIONS

Representations received:

Parish Council - No response.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Tree Officer -

Leyland Cypress Cupressocyparis leylandii x 3 Ht - 14m Spread - 5m Age - Semi-Mature

- These trees are positioned to the rear of the terraced houses and alongside the rear boundary wall.

- They are of poor quality having been wind pruned and contain a lot of dieback.

- If as the applicant asserts they have begun to shed limbs over the public footpath then either pruning or removal would be the appropriate action.

- They tend to dominate the rear garden and being due south and of evergreen form will cast significant shade all year round.

- Pruning heavily would leave them devoid of live foliage and totally undermine their amenity value so removal is the only realistic alternative.
- These are not trees worthy of a TPO.

Common Lime *Tilia europaea* Ht - 16m Spread - 7m Age - Mature

- This tree is positioned to the front of No 5 BUT appears to be growing in the front garden of No 6 so there is a very limited amount that this applicant will be able to do without the permission of the owners at No 6.
- This is a healthy and highly visible tree of high amenity value and thus worthy of a TPO.
- The very low branching habit over both gardens I can see being an issue and whilst a 5m crown lift is heavy so I would urge them to consider a lesser lift of 3m to 4m in the first instance.
- Similarly the crown height and spread reduction of 2.5m will only repeat a previous reduction operation and will not harm the visual amenity value.
- Thinning by 15% is in my view a waste of time with a vigorous species like Lime which will soon fill this back in with new epicormic growth denser than before - BUT it will do no harm - so I see no threat to the tree from this work.

Conclusions:

- The Conifers are not worthy of a TPO given the prevailing circumstances.
- The Lime tree is worthy of a TPO BUT the proposed works are not a threat to its health and vitality or its visual amenity value so I see no reason to apply a TPO at this time to seek to control the works.

Recommendations:

- I raise No Objection to these works as listed in the supporting report and see no reason to apply a TPO to control or prevent them from taking place.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Private Street
Conservation Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

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 no objection be raised.

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

NO OBJECTION

- 1 **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.

- 2 **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.