

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

REF NO: AL/92/21/T

LOCATION: 17 Ivy Close
Westergate
Aldingbourne
PO20 3RF

PROPOSAL: Oak (T1) - crown reduction and crown lift. It is recommended to complete a 30% crown reduction (2.5-3.5m) and crown lift to keep the branches off the footpath and away from the road (5m). This will leave a span of 14-16m and height of 18-20m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 17 Ivy Close.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AL/118/10/T	Crown reduction and reshape lateral spread by approximately 25% to 1 no. Quercus Robur (English Oak)	ApproveConditionally 11-01-11
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Relevant planning history noted.

REPRESENTATIONS

No comments from Parish Council.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Outwardly and from distance (roadside) this tree appears to be in a fine physiological state. It has a complex crown formed upon twin stems and presents an attractive profile. There is some obvious

evidence of historic stem/limb fracture but oak of this species is typically resilient and able to respond well to a sudden disruption in crown dynamics, especially when in early stages of maturity.

It is a prominent tree with obvious landscape value, being highly visible to users of the busy public highway and from numerous residential properties.

Low growth exists over the footway and carriageway, which the applicant proposes to remove for obvious safety reasons.

Conclusions:

The quantity of crown material proposed for removal is substantial and will irrevocably diminish the tree's natural form and size potential. Such work is usually reserved for those trees which have significant structural defects or undue influence over their surroundings. The application is not supported with a sufficiently detailed tree hazard assessment to justify that work.

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.

Recommendations:

As it stands, I recommend REFUSAL for this application.

I would like the applicant to be invited to agree to a revised proposal for lesser works (such as described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

Remove or reduce back branches low on the tree's west side, as necessary, to achieve the following maximum overhead clearance:

Footway - 2.5metres

Carriageway (including lay-by) - 6metres

If the applicant is prepared to re submit 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 :

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.

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

- See also the standard pruning guidance notes issued with the consent letter

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

- 'Following the comments from the tree officer, it is recommended consent be approved (granted) /refused, subject to the following conditions and informatives.

- "trees have been inspected by the councils tree officer who has no objection to the proposed works, therefore it is recommended permission be granted. "

Or

- Following comments from the tree officer, it is recommended consent be refused.

- If there are no conditions just put 'subject to the following informatives'

HUMAN RIGHTS ACT**FOR APPROVAL**

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.

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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

REFUSE

- 1 The quantity of crown material proposed for removal is substantial and will irrevocably diminish the tree's natural form and size potential. Such work is usually reserved for those trees which have significant structural defects or undue influence over their surroundings. The application is not supported with a sufficiently detailed tree hazard assessment to justify that work. 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.
- 2 **INFORMATIVE:** Note the comments of the tree officer on the website - an alternative application is recommended as stated in those comments.