

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

REF NO: AW/131/19/T

LOCATION: 12 Hunters Close
Aldwick Bay Estate
Aldwick
PO21 4HR

PROPOSAL: Reduce height by 8m to 1 No. Lombardy Poplar tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located at the front of the property.
SITE CHARACTERISTICS	Dwelling with gardens to front and rear.
CHARACTER OF LOCALITY	Residential Area.

RELEVANT SITE HISTORY

AW/167/07/T	Fell one Cypress Macrocarpa Tree	ApproveConditionally 27-07-07
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History noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council

Members strongly objected to the proposed reduction on the grounds that the tree is an amenity tree and for the reasons given by the Arun Arboriculturist.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:**Tree Officer Comments:**

This tree appears to be outwardly healthy and stable with a full and attractive crown profile. No evidence of significant past modification of the crown. Appears to be a fine example of its type.

It is highly visible from surrounding properties. The high canopy is visually impressive when viewed from adjacent estate roads. As such, it has public amenity value.

I did not observe the branch failure point or a corresponding gap in the crown profile, although my view was restricted to no more than half of all aspects. In the absence of any evidence to support the reasons given, I have to assume the failure was no more than an unfortunate and not entirely unexpected consequence of inclement weather. There is no clear evidence in the crown of similar events having occurred, which might suggest the tree is especially vulnerable to shedding limbs or large branches.

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. The proposal to reduce the height by 8m could result in harm to the health and vitality of the tree with large pruning wounds being formed.

I am unable to concur with the reasons stated as being sufficient to justify the work now proposed.

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.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

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 the comments from the Tree Officer, it is recommended consent be refused.

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

REFUSE

- 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.