

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

REF NO: AW/136/18/T

LOCATION: Fairfield
1 Regis Avenue
Aldwick Bay Estate
Bognor Regis

PROPOSAL: Crown lift 1No. Incense Cedar by 4m from ground level

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the front garden.
SITE CHARACTERISTICS	Detached dwelling with front and rear garden.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

AW/221/17/T	Prune 2 No. Eucalyptus trees to previous pruning points.	ApproveConditionally 05-10-17
AW/78/13/T	Crown reduce 2no. Eucalyptus trees by approx 2 metres	ApproveConditionally 28-05-13
AW/198/12/T	Crown reduction to 1 no. Blue Atlas Cedar tree by 1 metre all round	ApproveConditionally 12-10-12

History noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No representation received by nearly occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

No comments

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Himalayan cedar *Cedrus deodara* Height: Approx. 10m Average spread: 3m Age: Young
 Tree appears to be in a fine physiological state and possesses good form. It occupies a prominent position and is both visible from neighbouring properties and to traffic accessing the estate. It already provides some visual interest and has significant growth potential, so if managed sympathetically has a good chance of becoming a statuesque tree of high amenity value. There is a clear need to remove crown material that will interfere with the safe passage of high-sided vehicles.

Conclusion:

The extent of proposed work exceeds the recommendations as detailed in British Standard 3998:2010 - Tree Work.

This tree is rapidly developing to become a significant feature in the local street scene and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application is likely to harm its vitality and consequently be detrimental to the visual amenities of the locality.

Recommendations:

I recommend REFUSAL for this application.

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

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 This tree is rapidly developing to become a significant feature in the local street scene and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application is likely to harm its vitality and consequently be detrimental to the visual amenities of the locality.
- 2 **INFORMATIVE:** The tree officer has made the following comments about a REVISED application:-
 - I would like to see the applicant re-submit with a revised work specification such as detailed below, which would address the issue of carriageway encroachment whilst preventing a diminution of the tree's existing (and potential) landscape and public amenity value:
 - 1x Himalayan cedar
 - Reduce or remove branches as necessary to achieve a maximum of 5m overhead clearance above carriageway and to an extent no more than 30cm back behind grass verge edge.
 - On receipt of the above revised tree work specification, I would be able to recommend Consent, subject to the following conditions:
 - Conditions To Be Applied to Approved Work: -

- The extent of overhead clearance achieved following branch reduction/removal must not exceed 5metres directly above the carriageway and 2metres on all other aspects.
- 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
- 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.