

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

REF NO: AW/153/20/T

LOCATION: 54 Pinehurst Park
Aldwick
Bognor Regis
PO21 3DX

PROPOSAL: Crown reduction of 2 No. Poplar trees to height 5m and spread 3m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees are situated on 54 Pinehurst Park Aldwick.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Dwelling.

RELEVANT SITE HISTORY

AW/40/14/T	2 no. Poplar trees - Reduce and reshape crowns by 8m to leave trees of 9m in height.	ApproveConditionally 04-04-14
AW/50/02/T	Lopping of 2 no. Poplar trees.	ApproveConditionally 14-05-02
AW/14/02/T	Fell two Poplar Trees.	Refused 01-03-02

Relevant Planning history noted.

REPRESENTATIONS

No Objections from Parish Council.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Both trees are the subject of TPO/P/1/78 (Group 9). Outwardly and from a distance they appear to be in a fine physiological state. They have previously been the subject of reduction pruning, involving stem truncation at around 9m height (c.2014).

Further reduction pruning will be necessary throughout the remaining lifespan of these trees, to achieve a reasonable degree of structural integrity appropriate for their location.

- The applicant proposes crown reduction to improve light levels to properties although the majority of their crown spreads are to the north and their existing height is proportionate to their size and distance from dwellings. That said, they will be exerting considerable influence on ground conditions by virtue of their established and extensive root systems.
- The applicant has also indicated concern about the potential for these trees to fail. My own restricted ground-level visual assessment did not reveal any obvious signs of pathogen activity, structural defect or root-plate displacement to suggest either could be wholly structurally unsound and/or present an unacceptable level of risk for its location.

Conclusions:

- The proposal to reduce their overall height and spread with a view to restricting growth is in principle justified and consistent with previous works approved by the Local Planning Authority although the extent is excessive.
- The applicant proposes 6-8metre reductions in top height. This would exceed the recommendations in British Standard 3998:2010 - Tree Work and would be likely to result in harm to the health and vitality of the trees with large pruning wounds being formed. Such wounds are readily colonised by fungi which can cause extensive decay making the tree hazardous and so reduce life-expectancy.

Recommendations:

- As it stands, I recommend REFUSAL for this application.

Advisory:

- I would like to see the applicant submit a revised work specification such as detailed below, which would seem to address their concerns whilst preventing excessive reduction of the trees landscape impact and undue detriment to the visual amenities of the locality.
- Reduce top-height to approximately 9metres, which in any event does not exceed the dimensions of the last reduction pruning exercise.
- Reduce radial spread by no more than 1m on any aspect and leaving a minimum of 2metres radial spread.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The officer tried to contact the applicant to arrange the proposal to be varied but could not do so. The application will therefore be refused and there is an opportunity to re-apply.

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/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 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 trees are 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: Please note the comments on the website regarding works which may be acceptable.