

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

REF NO: AW/29/19/T

LOCATION: Moonrakers
Dark Lane
Bognor Regis
PO21 4AJ

PROPOSAL: Reduce north side of 2 No. Macrocapa trees by 3m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located along the front boundary of the property
SITE CHARACTERISTICS	Dwelling with garden to the front.
CHARACTER OF LOCALITY	Residential area.

History noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council

Aldwick Parish Council: No objection received from Aldwick Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

-It is not explicit from the map provided which two trees are the subject of this application. It is for the applicant to ensure that there is no doubt as to which trees are proposed for work; as such there would be grounds for refusing consent for this reason alone.

-On this occasion I have assessed the two (of four) trees which are in closest proximity to neighbouring dwelling (17 Shorecroft) and which I identify on the following plan as most likely candidates for T1 and T2.

Outwardly and from a distance both trees appear to be in a fair physiological state and with form typical of their type and age. They present attractive crown profiles and are important constituents of a linear group of four mature cypresses with obvious landscape value.

Conclusions:

·These trees require careful management that respects their age and vulnerability to environmental changes and disease progression.

-These trees while tolerant of coastal conditions often carry a high percentage of deadwood and small branches are prone to damage during episodes of inclement weather. As such, in a built environment they will require a relatively high intensity of management to keep them in a condition appropriate for their location. These are not usually sufficient reasons to justify substantive work.

·The removal of dead or imminently dangerous branches is an exception and does not require permission, although in respect of the latter those undertaking are required to notify this authority at the earliest opportunity and works should only be to the extent that the immediate threat to person(s) or property is abated. Any work desired beyond that which is absolutely necessary requires a formal application.

·The tree work proposed in the application has not been justified on arboricultural grounds. Crown clearance of adjacent property is proportionate and reasonable.

-The work proposed is unnecessarily severe and in places would result in damaging loss of leaf-bearing volume, leading to individual branch death.

-The trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in reduction of their landscape impact and undue detriment 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 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) 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

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 make a significant contribution to the character of the area and therefore in the absence of any arboricultural justification the surgery to the trees would be detrimental to the visual amenities of the locality.