

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

REF NO: AW/320/18/T

LOCATION: 20 Wyde Feld
Bognor Regis
PO21 3DH

PROPOSAL: Fell 1No. Monterey Cypress tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located rear of the property
SITE CHARACTERISTICS	Dwelling with gardens to front and rear.
CHARACTER OF LOCALITY	Residential area.
None	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

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

No response received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

This is a large tree which appears to possess good vitality. It has an attractive upper crown profile but a clear stem devoid of any limbs to approximately $\frac{3}{4}$ height.

-The applicant has expressed concern about the potential hazard presented by this tree, following advice from a local tree surgeon. I understand this concern, as the unfortunate loss of lower limbs will result in substantial torsional force being applied to what is potentially a compromised main stem structure during episodes of high wind speed.

-We have not been made aware of any detailed investigation of this tree and no evidence or report from a suitably qualified and experienced person has been submitted in support of this application.

-My ground level, non-invasive assessment of the tree suggests that the large areas of exposed decay

are a genuine concern and worthy of further detailed investigation, perhaps utilising diagnostic tools/ associated with decay evaluation (resistograph micro-drill, sonic/ electrical impedance tomography).
-There were no obvious signs of pathogen activity or recent ground disturbance/root-plate displacement. The surrounding reaction wood, ratio of apparently sound stem wood to open cavities and healthy appearance of buttress roots suggest this tree is structurally sound at this time.

Conclusions:

·Although there is cause for some concern, this tree appears to have adequate structural integrity for its location. No evidence has been provided in support of the application that confirms the work applied for is necessary at this time.
·The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree work proposed in the application would have a significant impact on the landscape and undue detriment to the visual amenities of the locality.

Recommendations:

·I recommend REFUSAL for this application.

Advisory:

·I recommend the applicant employ the services of an arboricultural consultant to undertake a detailed evaluation of the decay zones within the main stem.

Mark Warwick
Tree Officer / Parks and Greenspace Team

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 makes a significant contribution to the character of the area and therefore in the absence of any arboricultural justification the loss of the tree(s) would be detrimental to the visual amenities of the locality.