

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

REF NO: AW/321/18/T

LOCATION: 106 Barrack Lane
ALDWICK
PO21 4EA

PROPOSAL: Reduce by 1m to old cuts 2No. Oak tree and reduce by 2m to 1No. Maple 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 surrounding gardens.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

AW/309/15/T	Reduce 2 No.Oak trees by 2m.	ApproveConditionally 30-11-15
AW/8/15/T	Fell self seeded Beech tree growing under established Oaks.	

History noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council: No response from Aldwick Parish Council.

No representations received by nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

T1, T2 Pedunculate oak / *Quercus robur*, Average height: 9m, Average spread: 4m, Age class: Early mature

T3 Field maple / *Acer campestre*, Approx. height: 5m, Average spread: 2m, Age class: Semi mature

·Outwardly and from a distance it appears to be in a fine physiological state but with heavily modified or suppressed form.

·They grow to the front of the property effectively on roadside verge and are prominent. They are highly visible from the public highway (road, footway and commercial premises).

·T1 is a low quality specimen, having been suppressed by companion trees.

·T2 and T3 have been the subject of past crown modifications resulting in relatively small and compact limb/branch framework. This work was most recently undertaken late 2015/early 2016.

Conclusions:

-T1 - Field maple is not the subject of any Order (TPO) nor does it reside within Conservation Area, therefore the consent of the local planning authority is not required before undertaking any work to this tree.

·T2 and T3 - Cyclical crown reduction work throughout the remaining life-span of these trees will be necessary to achieve a degree of structural integrity appropriate for their location.

·T2 and T3 - There is insufficient extension of new growth (1-1.5m) since the last major pruning operation (c2015/16); so that repeat crown reduction at this time (or within the next 2years) would be too early in the management cycle and likely have a negative effect on their long-term vitality.

Recommendations:

·I recommend REFUSAL for this application.

Mark Warwick

Tree Officer / Parks and Greenspace Team

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. It should be noted (T1) Field Maple is not the subject of a Tree Preservation Order and does not reside within a Conservation Area, therefore consent of the Local Planning Authority is not required before undertaking work to this tree.

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.

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 appear 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.