

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

REF NO: **AW/33/17/T**

LOCATION: Pumping Station
 R/O 19-21 Kingsway
 Aldwick

PROPOSAL: Fell 3 No. Poplar trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	Various mature trees including those forming part of the application.
SITE CHARACTERISTICS	Grass verge next to drainage ditch located amongst residential gardens.
CHARACTER OF LOCALITY	Suburban residential location, heavy tree cover.

RELEVANT SITE HISTORY

AW/125/07/T	Surgery to various trees	Withdrawn 18-10-2007
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Previous tree application for works to these trees withdrawn.

REPRESENTATIONS

Representations received:

Aldwick Parish Council
No comments.

One letter of representation received, objecting on the grounds of loss of visual amenity and the requirements for the removal being unnecessary.

Comments on Representations received:

Officer agrees with the comments of the representation.

CONSULTATIONS

Arboriculturist

Consultations responses received:

TREE OFFICER

Comments:

Hybrid Poplars Populus spp. Height: 24m Avge Spread: 6m Age: Early Mature
· These trees appear sound and healthy and in good overall order.

- They provide valuable screening and separation at the cul de sac that is Larchfield Close.
- Apparently the Water Board have had numerous complaints from an unnamed neighbour that relates to excessive shading and fears that the trees will fall and damage their property.

Conclusions:

- Whilst I can understand apprehension as regards the safety of these trees I saw no evidence that would lead me to conclude that they are currently unsafe.
- They actually have a fairly tight outline for Poplars and are not excessively spreading trees so their shading ability will not be excessive or unacceptable in my view.
- These trees are healthy and provide valuable amenity which is the reason why they were TPO'd in the first instance.
- I see no justification for their removal at this time - the owners have recourse to come back in for pruning if they wish as this would be a more acceptable action if control of their growth habit is an issue. However, once you start to prune Poplars then you must continue this on a cyclic pruning program otherwise they will become dangerous with weak attachments of re-growth to old pruning points.

Recommendations:

I recommend REFUSAL for the felling of these trees as it is not justified. I would not recommend an alternative pruning option.

Comments on Consultation responses:

Comments noted

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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

The trees are considered to be mature and visually significant owing to their height, size and prominent visual location from both Larchfield and Kingsway. The trees both individually and as a group are considered to contribute significantly to the sensitive visual amenity of the street scene within the Conservation Area.

Furthermore, the Tree Officer has objected to the loss of these important TPO tree for. There is no arboricultural justification for their removal.

Therefore it is considered that the felling of these trees would result in a detrimental impact upon the visual amenity of the street scene and the established character of the surrounding conservation area.

The Council objects to the felling of the trees.

HUMAN RIGHTS ACT

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