

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

REF NO: AW/354/17/T

LOCATION: 60 Barrack Lane
Aldwick

PROPOSAL: Pollard of 2 No. Lime trees back to previous pruning points.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 60 Barrack Lane, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/142/13/T	Reduce height by 15 metres to 2 No Lime trees	Refused 09-08-13
AW/80/02/T	Application to lop 2 lime trees, reducing to a safe height	ApproveConditionally 10-07-02

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

No comments received from Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -

Lime x2 - Tilia sp. - Height: Approx. 6m - Average Spread: 1.5m - Age: Early mature

- 'Pollarded' trees but crudely initiated with a 'topping out' of the main stem and severe truncation of limb framework. A much denuded lateral limb/branch framework and regular removal of low-level epicormic growth depresses potential for long-term vitality of these trees.

- Cyclical pollarding throughout the remaining life-span of these trees will be necessary to achieve a reasonable degree of structural integrity appropriate for their location.

- Trees were viewed from the driveway, access to the garden was not possible at this time. They are in close proximity to one another along the rear boundary of property and of similar age and stature.

- With reference to our last recorded Tree Officer comments (2013) - these trees are now sadly only visible from the road with difficulty. They remain visible from surrounding property rear gardens.

Conclusions:

- There is insufficient extension of new growth since the last major pruning operation, so repeat pollarding at this time would be too early in the management cycle and likely have a negative effect on their long-term vitality.

- So long as the trees are in and maintain good health, the restoration/recovery of more substantial crowns will be welcome and provide greater amenity value to the surrounding area once again. A sympathetic balance between any perceived degree of seasonal nuisance and the benefits provided by the tree can then be easily achieved, if and when we are required to consider future applications for pruning work.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Built Up Area

Tree Preservation Order

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 that 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

In assessing this proposal neutral 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).

RECOMMENDATION

REFUSE

- 1 The trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The repeat pollarding at this time would be too early in the management cycle and likely have a negative effect on the long-term vitality of the trees.