

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

REF NO: AW/355/17/T

LOCATION: 17 Craigweil Lane
Aldwick
PO21 4AN

PROPOSAL: Crown Reduction to 1No. Blue Atlas Cedar by 1.5 metres.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is located in the front of the garden.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/300/16/T	Ilex Oak - Reduce by 1 metre all over Maple - Reduce and reshape all over by 1.5 metres	ApproveConditionally 16-11-16
AW/65/10/T	Crown reduction by 25% to one Oak tree.	ApproveConditionally 13-05-10
AW/270/04/T	Lop one Evergreen Oak. (Re-Submission of AW/35/00/T)	Refused 17-12-04
AW/35/00/T	Lop and thin 1 Evergreen Oak tree.	ApproveConditionally 24-03-00

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No representation from nearby occupiers
Parish Council provided no response

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

This tree has ornamental value, is of good moderate form and enjoys a prominent position being visible from neighbouring properties and traffic accessing/exiting the estate.

No reason(s) provided in support of the work proposal. I'm not aware of compelling evidence or seen a justification for 'containment' pruning at this time.

This tree has high growth potential and by virtue of its close proximity to a residential dwelling, it is reasonable to assume some form of crown reduction work may be necessary in the long-term.

To initiate such work at this stage in its life without compelling reason(s) it would be unnecessarily premature and limit its potential to obtain a much higher amenity value.

Recommendations

I recommend refusal for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

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 comments from the tree officer it is recommended consent be refused for works to the tree.

HUMAN RIGHTS ACT

FOR REFUSAL

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 is a feature in the local landscape and appears 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, undue detriment to the visual amenities of the locality and would be unnecessarily premature and limit the potential of the tree to obtain a higher amenity value