

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

REF NO: A/100/21/T

LOCATION: Land to North of New Road
Angmering

PROPOSAL: Fell 12 No. Monterey Pine trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located land North of New Road.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
None.	

REPRESENTATIONS

Objection from Parish Council.
64 letters of objection from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The age/class of trees within the group is variable, but dominant pine is early-/mature. Outwardly and from distance they appear to be in a fine physiological state (and assumed to be so in the absence of any information/evidence provided to the contrary).

These trees are important constituents of a long-established and prominent landscape feature. This broad belt of evergreen trees provides 230m of continuous high canopy, which provides great visual amenity.

Pine trees are intolerant of hard pruning and the extent of height reduction required to restore coverage to EE's existing mobile communications infrastructure would effectively destroy them. Subsequently we are dealing with an application to fell those trees to ground level. The essential provision of infrastructure by EE will be achieved through a combination of, upgrading its existing network, deploying more masts and building new sites.

Conclusions:

The work proposal has not been justified on arboricultural grounds. These are high profile trees of significant landscape and visual amenity; whose value extends beyond their own individual worth; contributing to and benefiting from root and crown cohesion with the rest of the group.

Beyond the obvious and immediate impact to the landscape, suddenly exposing such aged trees to the full force of prevailing winds is likely to wreak havoc in their crowns from which they cannot recover and potentially resulting in further erosion of the group.

On balance, it seems reasonable to expect the provision of full network coverage be achieved by enhancing existing infrastructure rather than negatively impacting such an important landscape feature.

Recommendation:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 be weighed in the balance with the Development Plan.

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 In the absence of justification of the works on arboricultural grounds there would be a loss of high profile trees of significant landscape and visual amenity whose value extends beyond their own individual worth contributing to and benefiting from root and crown cohesion with the rest of the group. The resulting harm to the area is unacceptable.