

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

REF NO: BN/115/21/T

LOCATION: Field Place
Eastergate Lane
Eastergate
PO20 3SL

PROPOSAL: 1 No. Ash tree (T1) - Reduction of western crown by approx. 2-3m to balance with rest of crown to leave approx height of 20m and spread of 12m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located at Field Place, Eastergate Lane.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BN/89/21/T	Ash (T1) - Reduction of western crown by approximately 2-3 m to final height and spread of approximately 20m high and 12m spread.	
EG/61/12/	Retrospective application for installation of 16 no. photovoltaic panels and fence enclosure.	ApproveConditionally 12-11-12
EG/49/04/	Re-roofing and proposed rooms in the roof	ApproveConditionally 25-06-04

Relevant planning history noted.

REPRESENTATIONS

Barnham & Eastergate Parish Council - "the Committee resolved to submit a response that says they will support the view of the ADC Tree Officer."

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

Outwardly and from a distance (field side) this tree appears to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary. It is a large tree with visually impressive crown profile, seen from across the fields to the east. It has landscape value.

The crown profile did not appear asymmetric to a problematic extent in respect of its structural integrity, nor has that been evidenced. Large ash in apparent good health should be valued highly and considered vulnerable given the prevalence of Chalara dieback which is set to destroy a large majority of the ash population. As such, substantive (stress inducing) pruning work should be avoided wherever possible.

This long-established field boundary tree ought to be preserved with natural form for as long as it is safe to do so. If satellite reception is not possible or has become obstructed, then an engineer can usually advise on alternative position or apparatus to provide that utility.

Conclusions:

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

Crown reduction work has not been justified on arboricultural grounds.

Recommendation:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside Built-Up Area (Countryside - C SP1)

Tree Preservation Orders

WSSC Mineral Consultation Area

Lidsey Treatment Catchment

HRA Buffers (SD10)

Area of Special Control (Adverts)

DEVELOPMENT PLAN POLICIES**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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the 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 This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. The crown reduction work has not been justified on arboricultural grounds.