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

**REF NO:** BN/2/24/T

**LOCATION:** Henson Court 98 Barnham Road
Eastergate
PO22 0EW

**PROPOSAL:** 2 No. Lime (Lime 1 & 2) crown reductions to a height of 12m and spread of 6m. Fell 1 No. Sycamore and 1 No. Conifer. 1 No. Holm Oak crown reduction to leave a height of 8m and spread of 5m. 1 No. Yew crown reduction to leave a spread of 4m.

## SITE AND SURROUNDINGS

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| DESCRIPTION OF APPLICATION | As above. |
| TREES | The trees are located to the front of the care home at 98 Barnham Road. |
| SITE CHARACTERISTICS | Care home. |
| CHARACTER OF LOCALITY | Residential. |

## REPRESENTATIONS

Barnham and Eastergate Parish Council - No objection, resolved to support the views of the tree officer.
No representations were received from nearby occupiers.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

TREE OFFICER
The lime trees appear to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary. They have attractive, unmodified upper crown profiles and are prominent in the street scene. There is no stated or obvious justification for whole crown (i.e. height and spread on all aspects) reduction pruning.

The declining sycamore (most likely the horse chestnut) as marked on the sketch plan, is unviable for safe long-term retention. Its removal is prudent and will not incur a significant loss of amenity. Adjacent trees and large shrubs preclude a requirement for and may inhibit any replacement planting.

The conifer is moribund or dead and can be removed at any time. Its branch form suggest it is a cypress and therefore not a subject of the tree preservation order - TPO/EG/1/95.

The holm oak shows evidence of relatively recent root-plate displacement. A degree of crown reduction is necessary to offset the loss of structural integrity, following which the tree might stabilise.

The yew tree is visible to the public and a long-term proposition for the site. Pruning of lateral branches on the west side only, to clear public highway, is necessary and will not affect long-term visual amenity. No height or spread reduction on remaining aspects is proposed or supported.

The significant pruning proposed for the two lime trees has not been justified on arboricultural grounds. They are significant features in the local landscape and appear to be in adequately sound and healthy condition. The work would result in undue loss of visual amenity. The conifer/Cypress is not a subject of any TPO. Proposed work to the sycamore (horse chestnut), holm oak and yew are necessary and for the latter two if undertaken to a high standard and at the right time ought not to be unduly harmful.

The tree officer was unable to support the application and asked that the works to the two lime trees be removed from the proposal, in order for it to gain his support.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted, the applicant was invited to agree the change of description (removing the two lime trees from the proposal). No response was received from the applicant.

## POLICY CONTEXT

Tree Preservation Order

## DEVELOPMENT PLAN POLICIES

## PLANNING POLICY GUIDANCE:

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| 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

There are no other material considerations to be weighed in the balance with the Development Plan.

## CONCLUSIONS

Following comments from the tree officer, the proposed change of description was proposed to the

applicant. As no response was received, it is recommended that the application 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

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 2 No. lime trees make a significant contribution to the character of the area, the works proposed to these trees would be detrimental to the visual amenities of the locality and has not been justified on arboricultural grounds.