

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

REF NO: BR/73/26/T

LOCATION: Allotments
North-West of Chipley Court
Hawthorn Road
Bognor Regis
PO21 5NL

PROPOSAL: Fell 1 no. mature Ash (T1).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located along the eastern border of the allotments, north-west of Chipley Court, Bognor Regis.
SITE CHARACTERISTICS	Allotments.
CHARACTER OF LOCALITY	Residential.

No relevant planning history.

REPRESENTATIONS

Bognor Regis Town Council - Objection
Members object to this application for the following reasons: The Tree Officers report states that there is no clear evidence of Ash Dieback and Members agree with the Officers recommendation.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**TREE OFFICER**

The tree is reportedly diseased with the fungus responsible for Chalara ash dieback. I saw no clear evidence of that and none has been provided other than anecdotal.

The crown is well balanced and supported by a single straight stem with no obvious significant structural defect. The small branch network appears stunted, symptomatic of a slowing growth rate in recent years. Perhaps the tree is reaching its environmental potential, having competed with other mature trees and allotment demands? There is clear evidence of heavy infestation across the canopy from ash sawfly, which can have a deleterious effect on growth rate especially if occurring in successive growing seasons. Crown density is moderate as is deadwood content.

T1 is a large tree, one of several dispersed along the site's northern boundary. They are large trees,

wholly visible from afar and make a significant contribution to the local landscape.

Conclusions:

The proposed work has not been justified on arboricultural grounds. While prudent to make safe trees in good time, where Chalara ash dieback is advanced, there is no confirmation of its responsibility for the condition of this tree. Given its high amenity value, we must be confident of any reason to remove it. I believe to continue monitoring would be the most appropriate course of action at this time.

Recommendations:

We refuse consent for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Tree Preservation Order.

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

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

CONCLUSIONS

The tree is a significant feature in the local landscape and no clear evidence has been submitted of fungal presence. Given the tree's significant amenity value, any justification for its removal must be supported by robust and verifiable evidence and anecdotal information alone would not be sufficient.

Its removal would incur undue detriment to the landscape and loss of amenity and the Tree Officer has confirmed that the proposed works have not been justified on arboricultural grounds. Therefore, 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

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 significant feature in the local landscape and therefore in the absence of any arboricultural justification the loss of the tree would be detrimental to the visual amenities of the locality, contrary to the NPPF.