

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

REF NO: EP/70/14/T

LOCATION: Midholme
Sea Lane Close
East Preston

PROPOSAL: Re-pollard at 50cm above previous pollard points 1 No. Horse Chestnut tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	There are a number of mature trees positioned around site boundaries.
BOUNDARY TREATMENT	Low brick wall.
SITE CHARACTERISTICS	Landscaped area to the front of residential development.
CHARACTER OF LOCALITY	Mixed residential development. Verdant character and appearance generated by mature trees and landscaping.

RELEVANT SITE HISTORY

EP/35/04/T	Prune back overhanging branches, remove dead wood and lift the crown to one Chestnut Leaved Oak Tree. Remove lower two boughs to one Horse Chestnut Tree.	ApproveConditionally 04-05-2004
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REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Arboriculturist

Consultations responses received:

There is evidence that this tree has been very heavily topped out before at about half of its present height and then allowed to grow out from this again over time -this is not 'pollarding' as the applicant refers to as this would be a pruning operation repeated on a regular (usually a

maximum of 2 years) cyclic basis.

The precedent for heavy topping and lopping has been set so I am not going to refuse this application outright but rather recommend that the work to bring it back down to the level of previous cuts is undertaken in two phases of work two years apart and then I suggest that they apply every 18 months to 2 years to have the regrowth removed so that we get back to a cyclical pruning event that can truly be classed as 'Pollarding' and the tree will readily cope with this rather than having one major pruning event every 5 to 10 years which is very stressful on the tree.

I object to the extent of works as applied for because they are excessive and contrary to BS3998 and current industry guidelines and will be very stressful for the tree.

I recommend that they re-apply for the following works:-

Reduce the height and lateral spread by 3m overall making all final cuts adjacent to living growth points.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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

The horse chestnut tree is in a prominent position at the entrance to the site and, as such, possesses a high amenity value. The Council's arboriculturalist has been consulted and has raised concerns over the stress that will be placed on the tree should the proposed works go ahead.

It is therefore considered that, as the proposed works will put this valuable tree under undue stress, the application should be refused. The applicant is invited to discuss what level of works would be suitable with the case officer.

RECOMMENDATION

REFUSE

- 1 The tree surgery proposed is excessive and would have a detrimental impact upon the long term health and strength of the Horse Chestnut tree. It therefore represents an unacceptable threat to the trees continued presence as an important amenity feature.