

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

REF NO: EP/8/19/T

LOCATION: 9 Scorton
Lime Tree Close
East Preston
BN16 1JA

PROPOSAL: Crown reduction 2-3m and Crown thin 20% to 1 No. Maple tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located at the South West boundary of Scorton , 9 Lime Tree Close.
SITE CHARACTERISTICS	Dwelling with large gardens.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

EP/2/19/T	Crown lift 3m all aspects, crown lift 6m on east aspect & back to boundary fence, selective & careful reduction of branches above 6m on east aspect by no more than 1m to 1 No. Silver Maple tree.
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Application EP/2/19/T has also been submitted in conjunction with this planning application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

East Preston Parish Council: No objection received from East Preston Parish Council.

- 1 letter of Objection received from a nearby occupier
- Ownership of Scorton has changed and the land of Scorton is having 7 houses built on it. This is now owned by Marmont Developments and we do not want the tree to be removed since this will affect the privacy of the houses.
- 1 letter of response to the objection from the applicant.
- The land does not form part of Marmont development of Scorton.
 - Not applying for the tree to be removed but applying for reduction.

COMMENTS ON REPRESENTATIONS RECEIVED:

It should be noted that the applicant would be required to receive consent from all owners of the tree before any works could be carried out.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

Field maple / Acer campestre, Approx. height: 14m, Average spread: 5m, Age class: Mature

-This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile - a fine example of its type. It grows from a discreet strip of neglected land which abuts a shared garage compound and most notably overhangs the applicant's property. It is prominent when viewed from the public highway (footway and carriageway) and can be seen from numerous residential dwellings. As such, it has high public amenity value.

·The tree was unfortunately misidentified during the making of Tree Preservation Order (TPO/EP/4/74) although not so dissimilar as to raise doubt over it being the intended subject. This is reinforced by the original map associated with the Order and ground observations from site.

Conclusions:

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

·The proposal to reduce both the height and lateral spread on all aspects (the correct interpretation of crown reduction) by 2-3metres respectively does not comply with 'British Standard (BS3998:2010) Tree work - Recommendations' and would be likely to result in harm to the health and vitality of the tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape.

·Crown reduction and crown thinning work has not been justified on arboricultural grounds. In respect of the latter, such work rarely provides a benefit to the tree and often only a short-term increase in light levels. Furthermore, combining the two operations (and especially to the extent proposed) could drastically alter tree dynamics and natural defences against wind pressure. The sudden exposure of central crown areas to such winds can result in significant damage.

Recommendations:

·I recommend REFUSAL for this application.

Mark Warwick

Tree Officer / Parks and Greenspace Team

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

DEVELOPMENT PLAN POLICES**PLANNING POLICY 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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

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 The tree makes a significant contribution to the character of the area and therefore in the absence of any arboricultural justification the loss of the tree would be detrimental to the visual amenities of the locality.