

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

REF NO: FP/16/22/T

LOCATION: 4 Wyke Lane North
Felpham
PO22 8LE

PROPOSAL: 1 No. Ash tree (T1) - Crown reduction to 12.5m in height and 6m spread.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located to the front of the property, on the boundary.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/34/02/T	Lopping, topping and reduce crown of 1 Ash tree.	Refused 02-04-02
FP/32/95/T	Lopping & topping of 1 Holly, 1 Sycamore and 1 Horse Chestnut tree	PP Not Required 19-04-95

Relevant planning history noted.

REPRESENTATIONS

Felpham Parish Council - No Objection:

- Requested work to reduce crown of ash tree by 12.5m is appropriate. The tree is overhanging the private road to the point larger vans and 7.5tn lorries are damaging the tree - crown reduction will alleviate this issue.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

Outwardly and from roadside 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 long-lapsed pollard and has formed a balanced crown profile. It makes a valuable contribution to the street scene.

The agent and I appear to disagree in our assessment of the tree's overall dimensions, although this does not affect my recommendation.

The Parish Council's Tree Warden observed impact damage in the crown from high-sided vehicles. If low growth over the carriageway is a concern, the agent and their client should consider the exception for 'dangerous trees and branches' which I have referred to in advisory at the foot of this report.

Conclusions:

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

No arboricultural justification has been provided for whole crown reduction pruning to any extent, at this time.

Recommendation:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built Up Area Boundary

TPO

2km Buffer for Site of Special Scientific Interest

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 No arboricultural justification has been provided for whole crown reduction pruning to any extent. This tree requires careful management that respects its vulnerability to environmental changes and potential disease progression. The tree makes a significant contribution to the character of the area and in the absence of any arboricultural justification the works proposed represent an adverse impact on visual amenity.
- 2 INFORMATIVE: Regulation 14 - (1) (c) of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 permits 'The lopping of tree branches to the extent that such works are urgently necessary to remove an immediate risk of serious harm' as an exception from the normal application process. In practice here, that permits the applicant to prune those

branches which overhang the public highway, achieving maximum overhead clearance of 5metres directly above the carriageway, without recourse to this authority.