

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

REF NO: LU/12/26/T

LOCATION: Central Wetlands
North Littlehampton Site
Toddington Lane
Littlehampton
BN17 7TA

PROPOSAL: 5 No. Weeping Willows- Habitat to leave the stem and height of 3m (T129). Pollard to leave a height of 5m (T130). Pollard to leave a height of 4m (T140). Habitat to leave the stem and height of 3m (T141). Crown reduction to leave a height of 10m and spread of 10m (T142).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees are located in the Central Wetlands area of the Hampton Park development.
SITE CHARACTERISTICS	Open space.
CHARACTER OF LOCALITY	Residential.
No relevant planning history.	

REPRESENTATIONS

Littlehampton Town Council - No response received.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER

All trees in the proposal are subjects of a preservation order - TPO/LU/1/13. Whilst most of the willow are individually unremarkable, collectively they provide considerable amenity and have significant impact on the local landscape and environment more broadly.

Important to note that all work described in the proposal has been undertaken so this is a retrospective application for consent.

The submitted tree survey and sketch plan provided by the agent (Barrell Tree Consultancy) is

comprehensive and we rely on their observations.

Conclusions:

The work undertaken is probably justified on arboricultural grounds although unauthorised as it did not qualify under any exception. We are denied the opportunity to satisfy ourselves all the work is necessary and to impose conditions on the work or provide informatives in the decision notice. The quality of the works is acceptable and meet the requirements of our standard condition. The optimum time for hard pruning of willow trees is late spring to summer, but this cannot be controlled by planning condition, only advised in an informative.

This application for retrospective consent is supported by a comprehensive arboricultural report. The outcomes I witnessed on site are consistent with their work recommendations (see photographs at foot of this report).

Recommendation:

We grant 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

Following the comments from the tree officer, it is recommended consent be approved.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

APPROVE