

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

REF NO: M/18/20/T

LOCATION: 54 Sea Way
Middleton-On-Sea
PO22 7SA

PROPOSAL: Crown reduction to 1 No Sycamore tree to height 15m and spread to 10m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located in the grounds of 54 Sea Way.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

M/83/14/T	Fell and replace 1No. dead Horse Chestnut Tree with Apple Tree, reduce the diameter of 1No. Sycamore Tree from 12m to 8m and reduce height by 6m, reduce low southward side branches to 1No Oak Tree from 10m to 7m.	ApproveConditionally 11-11-14
M/69/14/T	Fell 1 No Horse Chestnut tree, reduce by 30% 1 No Sycamore tree and reduce lowest side branches from 9m to 6m	
M/129/04/T	Surgery to 1no. Horse-Chestnut tree.	ApproveConditionally 19-01-05

Relevant site history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council
No objection

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Sycamore / Acer pseudoplatanus Height: 15-20m Spread: 5-10m Age class: Mature

- This is a large tree with a full and spreading crown. Outwardly and from a distance it appears to be in a fine physiological state and structurally sound. It is visually impressive with an attractive profile, being a particularly fine example of its type.

· It is visible from neighbouring properties and traffic accessing/exiting this part of the estate. As such, it has public amenity value.

· Although an imposing specimen tree, overhead and lateral clearance of branches above and from adjacent dwellings is adequate. There is some scope for light pruning of lower branches to provide longer-term clearance of garden structures, although that would need to be accurately specified and applied for in a new application.

· The applicant proposes crown reduction to address potential hazard presented by this tree, following advice from two tree surgeons. We have not been made aware of any detailed investigation of this tree and no evidence or report from a suitably qualified and experienced person has been submitted in support of this application.

· My own ground-level visual assessment of the tree from its eastern aspect (restricted by ivy and other vegetation growing about the stem base/root collar) did not reveal any obvious signs of pathogen activity, significant structural defect or root-plate displacement; to suggest the tree could be structurally unsound and/or present an unacceptable level of risk for its location.

Conclusions:

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

· It appears to be outwardly sound and no evidence of structural instability or significant disease has been provided in support of the application. Furthermore, it appears harmonious with surrounding built form. Long-term clearance of the same could be achieved with careful pruning of selected lower branches (subject to approval from the local planning authority).

· This tree is a fine example of its type, provides significant visual amenity and has not been proven to present an unacceptable level of risk for its location, so should be retained in current form.

Recommendations:

· I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built Up Area Boundary
Tree Preservation Orders
Area of Character

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 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

This tree provides significant visual amenity. It has not been proven to present an unacceptable level of risk for its location and should therefore be retained in current form.