

M/45/07/T**TREE WORKS TO TPO TREES REPORT**

DESCRIPTION/ ADDRESS	- Application to fell 1 Scots Pine Harefield Estate Middleton
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	N/A
TREES	Number of trees in surrounding area in addition to the subject of this application
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Verge to front of detached property
CHARACTER OF LOCALITY	Residential

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
M/1/89/T	Lop one Austrian Pine	Approved Conditionally 06-02-1989

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Middleton Parish Council	No objection
LOCAL GROUPS	None
12 letters of support	<ul style="list-style-type: none"> • Tree should be felled immediately as dangerous (damaged by vehicular traffic) and health and safety risk, especially to residential and children who live and play in immediate vicinity • Water is seeping into the trunk making it more unstable only matter of time before falls down • If Arun District Council owned tree alongside a carriageway to which the public have access, a Health and Safety Assessment would compulsorily have to be carried out. Cannot be one rule for council and one rule for private owners of trees

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Council's Arboriculturist	Visited the tree on 26 th April. This tree has been the subject of a lot of discussion in recent times and confirm that I consider there

M/45/07/T**CONSULTATION RESPONSES**

CONSULTEE	SUMMARY OF RESPONSE
	<p>is no Arboricultural reason for felling of this tree, it being in stature well balanced despite the fact that a large bough broke away from it some years ago. It also continues to have a very healthy crown.</p> <p>At a meeting on site with the Management team of the estate in November last year suggested that in order to back up there opinion that this and other trees on the verges were in a dangerous state, they should, seek a report from qualified Arborist or Consultant. There does not appear to be such a report available and in the absence of this I have no alternative but to stay with my opinion that this tree is not dangerous and should be allowed to remain.</p>

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
<p>Within Built-up Area Boundary Tree Preservation Order</p>

DEVELOPMENT PLAN POLICIES

<p>West Sussex Structure Plan: LOC1, DEV1, CH1 Arun District Local Plan: GEN7</p>

PLANNING POLICY GUIDANCE

<p>PPS1: Delivering sustainable development Circular 36/78 DETR TPO's: A Guide to the Law & Good Practise</p>

POLICY COMMENTARY

<p>The above policies are general and, other than Circular 36/78 and DETR TPO's, are not specific to trees.</p>

COMMENT ON CONSULTATION RESPONSES

<p>Noted.</p>

COMMENT ON REPRESENTATIONS RECEIVED

<p>Noted. It is acknowledged the tree is of a somewhat individual form. However it is considered the tree is of sufficient public visual amenity value in the street scene to warrant its retention. The council's arboriculturist has raised objection to the proposed felling due to, in his opinion, the absence of a justified arboriculturist reason to have this tree removed.</p> <p>The applicant has further contended the Council get an independent Arboricultural report if the Council is to agree with the Council's own arboricultural officer. Unless this occurs, the applicant indicates that the Council should accept full responsibility for a danger arising from</p>

M/45/07/T**COMMENT ON REPRESENTATIONS RECEIVED**

the tree. The Council's solicitor indicates that it is the property owner that is required to take reasonable care to protect the property and occupiers and passers-by.

For the reason previously outlined the loss of this tree would be detrimental to public visual amenity, and it is therefore recommended that the application should be refused, subject to the reason set out overleaf.

Public bodies are subject to different regulations than private landowners/private estate management companies under the legislation relating to Tree Preservation Orders.

ASSESSMENT OF PROPOSAL**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 tree, the subject of the application, is situated to the front boundary of the property, and is of significant public visual amenity value in the character and appearance of the street scene, and wider locality. The applicant contends vehicular damage has resulted in the tree being made unsafe. It is noted there is no professional report submitted with the application, from a trained arboriculturist, confirming the tree is dangerous.

The council's arboriculturist has raised objection to the proposed felling due to, in his opinion, the absence of a justified arboriculturist reason to have this tree removed. For the reasons previously outlined, the loss of this tree would be detrimental to public visual amenity, and it is therefore recommended that the application should be refused, subject to the reasons set out overleaf.

MIDDLETON**M/45/07/T**

Application to fell 1 Scots Pine.

Harefield Estate
(West Avenue)
Middletton

RECOMMENDATION

Refuse

- 1 The Scots Pine tree makes a significant contribution to the character of the area and therefore in the absence of any arboricultural justification that the tree is dangerous, the loss of the tree would be detrimental to the visual amenities of the locality in conflict with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

