

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

REF NO: WA/82/17/T

LOCATION: Walberton Place Nursing Home
Yapton Lane
Walberton

PROPOSAL: Crown lift 1No. Lime by 1m. Crown lift 2No. Sweet Chestnut by 2m. Crown lift 2No. Lime by 2.5m. Crown lift 1No. Lime by 3.5m. Crown lift 1No. Lime, 2No. Sweet Chestnut & 1No. English Oak by 1.5m. Crown lift 1No. English Oak by 2.5m & crown reduction of 1No. English Oak by 3m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at Walberton Place, Yapton Lane, Walberton.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

WA/25/12/T	Surgery to various trees	ApproveConditionally 18-05-12
WA/70/96/T	Lop, prune & remove deadwood to 4 Oak trees	ApproveConditionally 08-11-96

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -

- The access road to the development site is flanked by numerous large trees of local significance and have high amenity value.
- The applicant has utilised the original TPO schedule and plan drawing ref. 1/1987/WA. While relevant for the purpose of administering the Order, a number of trees no longer exist.
- Their deduction of which individual trees exist or not is not wholly accurate and this makes interpretation of the proposed work specification unreliable. Furthermore, a number of trees clearly requiring some work to achieve stated aims of the work are not included for (or are given inadequate) consideration and this compounds the difficulty.
- The group (G1) contains more than one mature oak in close proximity to the development site and it is not clear which particular tree is proposed for pruning work. There is also some ambiguity around the precise nature of work proposed. 'Crown reduction' (a defined term within BS3998:2010 Tree work - Recommendations) features on the original application form and suggests a reduction in overall height and spread, yet within the applicant's subsequent email of 25.01.18 the same term is used within the context of reducing two primary branches by 3metres.

Conclusions:

- The information provided is not accurate enough to determine the application in full.
- The applicant will need to either re-submit the required information or employ the services of an arboricultural consultant; to prepare a tree survey schedule that includes a corresponding site plan and work specification - so that we can make an informed decision.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Built Up Area

Tree Preservation Order

DEVELOPMENT PLAN POLICES

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 that 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) 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 neutral 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).

RECOMMENDATION

REFUSE

- 1 Due to the inadequacy of the information submitted with the application, the Council's Arboriculturalist is unable to make an accurate Arboricultural recommendation.
- 2 **INFORMATIVE:**
The applicant will need to either re-submit the required information or employ the services of an arboricultural consultant; to prepare a tree survey schedule that includes a corresponding site plan and work specification - so that we can make an informed decision.