

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

REF NO: Y/55/20/T

LOCATION: Tall Trees
Church Road
Yapton
BN18 0EJ

PROPOSAL: Fell 1 No. Lawson Cypress tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the site of Tall Trees Church Road.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Dwelling.

RELEVANT SITE HISTORY

Y/51/20/T	Fell 1 No. Lawson Cypress (T1)	Withdrawn 24-06-20
A/156/19/T	Reduce crown spread on the south aspect only by a maximum of 2 metres. Remove all Monterey pine cones with potential to fall into the property of 1 Alexander Avenue.	ApproveConditionally 03-02-20
A/102/19/T	Remove all relevant pine cones from 1 No. Monterey Pine tree within the fall area of 1 Alexander Avenue.	ApproveConditionally 21-10-19
Y/43/19/TC	Fell 1 No. Poplar tree within the Church Lane, Yapton Conservation Area.	No Objection 27-06-19

Relevant Planning history noted

REPRESENTATIONS

No Objections from Parish Council

Comments from nearby occupiers:

The fact that the tree is subject to a TPO means there is a reason not to just cut it down. It's hard to see how on just one check it has been stated the tree is not used for nesting, however, all trees have a huge environmental benefit for all, nature and human kind. My feeling is that the tree could be reduced and made more acceptable. The owner is to be congratulated on following the proper process however and I trust an agreeable outcome can be reached for all.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

This tree appears to be outwardly healthy and stable although with co-dominant stems forming an upper crown profile of moderate density. W. red cedar are frequently mis-identified as Lawson or Leyland cypress due to its close resemblance (also from the Cypress family) although a superior tree type and clearly intended for protection within G1 (TPO Yapton No.1/74).

- Although it is visible only in part from publicly accessible land, it does provide visual amenity to surrounding properties and at a distance harmonious with the same.

- Concerns relating to its potential for direct damage to nearby utility apparatus and indirect damage to building from soil moisture extraction have not be evidenced or supported with the provision of a report from a structural engineer.

- I am advised that the dwelling was constructed c2010, so is presumably on foundations designed to tolerate established vegetation on site at that time and taking into account growth potential. Likewise, it should be anticipated that services have been installed at correct depth and their integrity secured against risk of direct root damage.

Conclusions:

- There is no obvious arboricultural justification for the work proposed and it has not been demonstrated that this tree is a contributory factor in any damage event (subsidence or interference with utility apparatus) nor presents a foreseeable risk of being so.

- The tree is an established feature in the local landscape and appears to be in adequately sound and healthy condition providing some visual amenity to the surrounding area.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary

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

It is considered that there are/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

APPROVE CONDITIONALLY

- 1 There is no obvious arboricultural justification for the work proposed and it has not been demonstrated that this tree is a contributory factor in any damage event (subsidence or interference with utility apparatus) nor presents a foreseeable risk of being so.

The tree is an established feature in the local landscape and appears to be in adequately sound and healthy condition providing some visual amenity to the surrounding area.