

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

REF NO: Y/69/17/T

LOCATION: Field House
Yapton Lane
Walberton
BN18 0AS

PROPOSAL: Fell 2 No. Sycamore trees & reduce height of 7 No. Poplar trees to previous
pollarding points (approximately 3m).

SITE AND SURROUNDINGS

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

RELEVANT SITE HISTORY**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Yapton Parish Council
Parish Council - No Objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -
Hybrid Poplar *Populus euroamericana* Height = 16m Avg spread = 4m Age = Early Mature
- This is a linear belt of trees along the front boundary adjacent to the main road.
- There are cables at around 4m agl that run across the front of the property.

- These trees were very heavily topped out at 3m agl in the past but have been allowed to grow out to 16m.
- At either end of the line of Poplars there are young self sown Sycamores.

Conclusions:

- I have no problem with them taking out the two Sycamores as they are self sown and have very limited amenity value and being fast growers will at some point become a constant issue with the power cables.
- I agree that the Poplars do need to be reduced but note that the cable runs freely to the east side of the trunks and branches have been pruned clear of same so this is not an issue that requires such a drastic reduction.
- The degree of pruning requested to take them down from 16m in height to just 3m in height will remove all live growth and just leave unsightly trunks - thus removing all amenity value in one operation.
- I would advise that with no experts report specifying decay in the old pruning points commencing a program of gradual reduction down to a more manageable size is preferable to taking 13m of tree out in one operation.

Recommendations:

- I recommend APPROVAL for the felling of the two Sycamores as described and plotted on the plans submitted with the application.
- I recommend REFUSAL for the reduction of the Poplars down to 3m above ground.

ADVISORY:

I advise that the applicants re-submit seeking the following works:-

7x Poplars

1. Reduce down to a height of 10m from ground level (i.e. remove 6m off the tops)

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, the advisory will be added to the application.

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 The poplar trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the trees landscape impact and undue detriment to the visual amenities of the locality.

2 ADVISORY:

- Please note that as the whole application was refused, consent to works on all trees can not go ahead, regardless of the Arboricultural recommendation.

It is advised advise that the applicants re-submit seeking the following works:-

7x Poplars

1. Reduce down to a height of 10m from ground level (i.e. remove 6m off the tops)