

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

REF NO: AW/143/20/T

LOCATION: 4 Larchfield Close
Aldwick
PO21 4RB

PROPOSAL: Fell Monterey Pine T-57.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The Tree is situated on the site of 4 Larchfield Close Aldwick
SITE CHARACTERISTICS	Residential
CHARACTER OF LOCALITY	Dwelling

RELEVANT SITE HISTORY

AW/242/18/T	Crown reduce 1 No. Pine by 3m in height and 1.5m in lateral spread.	ApproveConditionally 23-11-18
AW/45/15/T	Reduce crown of 1 No. Eucalyptus tree by 3m & reduce crown of 1 No. Corsican Pine tree by 3.5m.	ApproveConditionally 22-04-15

Relevant Planning History Noted

REPRESENTATIONS

No reason to fell tree.
No response from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

I have considered this application by means of a desktop review, using the documents submitted as well as online resources and drawn on my previous close assessment of the tree (Oct.2018).

· Outwardly and from a distance it appears to be in a fine physiological state. It grows at the rear of the

property and can be seen from neighbouring dwellings but only with difficulty from publicly accessible land. Its visual amenity has been ever more compromised by recent crown reduction pruning (c2015 and 2018), leading to a flat-topped appearance now wholly uncharacteristic of its species type.

- It retains high growth potential and future stem/buttress root expansion will occur despite any programme of cyclical reduction pruning.

Conclusion:

- The reasons given do not provide justification for the work proposed, although it must be recognised this is a tree fast outgrowing its location despite the history of severe pruning. It retains high growth potential and however managed could not recover true-to-species form or appreciable visual amenity.

- The garden enjoys a relatively high density and healthy stock of trees, the vast majority of which appear to have high growth potential and are in harmony with their surroundings.

Recommendation:

- I recommend CONSENT for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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 approved

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

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