

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

REF NO: R/139/19/T

LOCATION: 8 Elm Farm Cottages
Old Manor Road
Rustington
BN16 3FD

PROPOSAL: Fell 1 No. Douglas Fir tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located on the land attached to 8 Elm Farm Cottages.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

R/138/19/T	Crown reduction to previous prune points of 1 - 1.2m to 1 No. Bay tree.	
R/185/18/T	5m Crown Lift to Eastern aspect to 1No. Horse Chestnut, 2.5m Crown Lift to other aspects.	ApproveConditionally 23-10-18
R/278/17/T	Crown reduction to 1No. Apple tree and 1No. Pear tree by 1m. Crown reduction to 1No. Apple tree by 1m with all branches cut back to smaller branches no less than 1/3 the size and crown lift by 2m of branches under 3cm diameter.	ApproveConditionally 22-02-18
R/151/10/T	Fell 1 no. Rowan tree and cut back 1 no. Bay tree by approximately 2metres (70%)	ApproveConditionally 31-08-10

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it, subject to the approval of the local Planning Authority's Arboriculturist.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree officers comments:

There is no Douglas fir at the location marked on the applicant's plan drawing. That said, the sole forestry-type conifer which exists at that location is of near enough type and in isolation to leave no doubt that it is the subject tree.

- It appears to be generally healthy and stable with an attractive crown profile but gives the impression of being slightly stunted (low-moderate crown density) although tip-growth fortunately remains viable. This is a probable consequence of much of its rooting zone being under hard surfacing and subject to compaction.
- It can be clearly seen from numerous residential dwellings and to highway users (footway and carriageway). As such, it has public amenity value.
- The applicant has expressed concern about the growth potential and ultimate size of this tree, following advice from a local tree surgeon.

Conclusions:

- The tree work proposed in the application has not been justified on arboricultural grounds.
- This tree has moderate growth potential and is suitably located - occupying a shrub border alongside the adjacent dwelling's extensive rear garden and to the North aspect with correspondingly negligible effect on natural light levels to the same.
- Based on its current condition I believe this tree can be retained in harmony with its surroundings and throughout its anticipated lifespan. It is likely to continue providing significant visual amenity and has not been proven to present an unacceptable level of risk for its location - so should be retained.
- The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree work proposed in the application would result in undue detriment to the visual amenities of the locality.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built-Up Area Boundary
 Tree Preservation Order
 Within the Conservation Area

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 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 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

REFUSE

- 1 There is no arboricultural reason for the tree to be felled and its felling would detract from the visual amenities of the locality.