

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

REF NO: R/38/17/T

LOCATION: Willow Cottage
2 Botany Close
Rustington

PROPOSAL: Various surgery to 1No. Monterey Pine

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree the subject of this application.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

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

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Council's Tree Officer:

Further clarification is required on the amount of pruning that is being proposed.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:
Tree Preservation Order

DEVELOPMENT PLAN POLICES**PLANNING POLICY GUIDANCE:**

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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

On the basis of the information provided it has not been possible to accurately assess the impact of the proposed works upon the amenity value of the tree or it's continued health and vitality. Despite attempts to obtain this information from the applicant the detail provided has been insufficient to enable the Local Planning Authority to assess the proposed works.

Final attempts were made to obtain the additional information from the applicant but this information was not provided. Therefore, given the above it is recommended that this application for tree consent is refused for the below reason.

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

REFUSE

- 1 Insufficient detail has been provided to allow the Local Planning Authority to fully assess the impact of the proposed works upon the continued health and vitality of the 1 no. Monterey Pine.
- 2 INFORMATIVE: The applicant is advised to seek the advice of a qualified aboriculturist to provide full details of the extent of the works proposed.