

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

REF NO: LU/320/18/T

LOCATION: 1 Watersmead Drive
Rustington
BN17 6GH

PROPOSAL: Reduce prominent North tending lateral limb by no more than 2m in length, to just beyond last reduction point and at junction with an obvious strong lateral branch to 1No. Pine Tree. Fell 1No. Silver Birch tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located on the South boundary of the site.
SITE CHARACTERISTICS	Dwelling with gardens to front back and side.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

LU/331/08/T	Fell one Cupressus Macrocarpa and surgery to eleven Corsican Pines.	ApproveConditionally 30-01-09
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History noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Parish Council: No response from Littlehampton Town Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

T1 Monterey pine/Pinus radiata, Height: Approx. 15m, Average spread: 3m, Age class: Early mature

T2 Silver birch/Betula pendula, Height: Approx. 12m, Average spread: 1.5m, Age class: Early mature

·Both trees appear to be outwardly healthy and stable.

·T1 is one of many trees of its type that form large linear groups between a busy arterial road and adjacent residential estates. They help define the character of the area and complement the nearby parkland.

·In the absence of low-level branches, sustaining the upper crown is of particular importance to its ongoing health and vitality. The applicant proposes a height reduction of such an extent that would result in the decline of several limbs/branches and likely initiate the tree's decline.

·T2 is a northern outlier of the tree group and consequently has a slender, drawn-up asymmetric form.

·Both trees are situated in a prominent position, T1 in particular being visible from the public highway, neighbouring properties and traffic accessing/exiting the estate.

Conclusions:

·T1 does not present any obvious defects, nor has evidence been submitted to justify the work now proposed. It is an important constituent of long-established local tree groups of similar character and composition, which provide significant landscape and amenity value.

·There is no established 'right to light' in this instance nor can an increase in ambient light level to the property be achieved by an arboricultural response that would also satisfy public amenity interest.

·The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

·T2 contributes little to the overall aesthetic and cohesion of the group, such that its removal would not incur a notable loss of public amenity.

·Remaining tree density and canopy cover is extensive enough within context of the site such as to negate the usual requirement for a replacement tree.

Recommendations:

- I recommend REFUSAL for the work proposed on T1 Monterey pine.

- I recommend CONSENT for the work proposed on T2 silver birch.

Advisory:

·I would like to see the applicant re-submit with a revised work specification for T1 such as detailed below, which should address the concerns of the adjacent household without detriment to the tree's landscape and public amenity value:

1x Monterey pine

- Reduce prominent North tending lateral limb by no more than 2m in length, to just beyond last reduction point and at junction with an obvious strong lateral branch.

Were the applicant willing to re-submit as advised, I would be able to recommend CONSENT, subject to the following condition being applied:

-Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interests of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

Mark Warwick

Tree Officer / Parks and Greenspace Team

COMMENTS ON CONSULTATION RESPONSES:

The applicant has requested the application description be amended to accord with the recommendations made by the Tree Officer.

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 consent be approved subject to the following conditions and informatives.

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 CONDITIONALLY

- 1 Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interests of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 3 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.