

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

REF NO: R/120/18/T

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

PROPOSAL: Crown reduce 1No. Horse Chestnut tree by 1.5m to all sides and crown lift by 5m to the east side and 4m to the west.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 8 Elm Farm Cottages, Old Manor Road, Rustington.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

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
R/274/08/TC	Various surgery to 2no. Pear trees & 2no. Apple trees (Within the Rustington Conservation Area) (Extended)	No Objection 07-01-09
R/184/06/TC	Felling of 1 No. Prunus tree within the Rustington Conservation Area.	Withdrawn 18-07-06
R/235/03/TC	Reshaping of Ornamental Cherry tree branches growing over roof of No 30 The Street and extending over the road within the Rustington Conservation Area.	No Objection 05-12-03

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer - Horse chestnut - *Aesculus hippocastanum* - Approx. Height: 12m - Average Spread: 5m - Age: Early-mature

- It has an attractive crown profile, with little evidence of any significant past pruning. Overall it displays good form and typical of the species.
- Low branches are beginning to obstruct safe passage for public highway users.
- A prominent ornamental tree, highly visible from the public highway and surrounding residential properties.
- Outwardly and from a distance this tree appears to be in good health and structurally sound, with high growth potential.

Conclusions:

- There is no arboricultural justification for the proposed crown reduction work.
- There are valid reasons for the proposed crown lifting to 5m over the carriageway. Crown lifting proposed for other aspects exceeds that which is necessary or desirable.
- The tree is a significant feature in the street scene 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.

Recommendations:

- I recommend REFUSAL for this application.

Advisory:

- If the applicant were to re-submit with the following work specification, I could recommend APPROVAL, subject to the conditions beneath:
 - Crown lift on East aspect to achieve 5metres clearance above carriageway.
 - Crown lift to a maximum of 2.5metres on all other aspects.

Conditions To Be Applied to Approved Work:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- 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.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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 tree is a significant feature in the street scene 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.
- 2 **INFORMATIVE:**
If the applicant were to re-submit with the following work specification, I could recommend **APPROVAL**, subject to the conditions beneath:

- Crown lift on East aspect to achieve 5metres clearance above carriageway.
- Crown lift to a maximum of 2.5metres on all other aspects.

Conditions To Be Applied to Approved Work: -

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.
- 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.