

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

REF NO: R/166/18/T

LOCATION: Cranbourne House
7 The Oaks
Rustington
BN16 2UP

PROPOSAL: Reduce radial spread by 1m & height by 1m to 1 No. Ilex.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the rear garden.
SITE CHARACTERISTICS	Dwelling with gardens to front and rear.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

R/76/14/T	Re-Pollard 1No. Ilex tree back to previous pruning points.	ApproveConditionally 13-06-14
R/234/09/T	Reduce crown of 1 no. Ilex Oak tree by 50%	ApproveConditionally 26-01-10

History noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council
Rustington Parish Council:
No objection from Rustington Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

- Outwardly and from a distance it appears to be in a fine physiological state, having responded with vigour to substantial past pruning.
- It is discreetly located within the expansive gardens of the property, although by virtue of its size and evergreen foliage provides visual amenity when viewed from neighbouring property and far end of the close.
- Close inspection from within the garden reveals the crown to be supported on a cluster of eight large stems. These have been severely truncated at around 7-8m ht.
- There are multiple established and ongoing decay events, evidenced by the proliferation of large perennial fungal brackets (*Ganoderma* sp.). This is not unusual for a holm oak of this form and age but worthy of further investigation.
- It has become the subject of regular crown reduction resulting in a dense, compact crown.

Conclusions:

- The work proposed is necessary to mitigate risk of structural failure and so justified on arboricultural grounds.
- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.
- While a temporary loss of aesthetic value is inevitable, satisfactory canopy renewal and recovery should occur if the work is undertaken to a high standard and at an appropriate time of year.
- The proposal to reduce its overall height and spread with a view to restricting its growth is justified and consistent with previous works approved by the Local Planning Authority.

Recommendations:

- I recommend CONSENT for this application, subject to the following conditions:

Conditions To Be Applied to All Approved Works: -

- 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.
- The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

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

- See also the standard pruning guidance notes issued with the consent letter.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

DEVELOPMENT PLAN POLICES

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

REPORT(ODB)

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 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.
The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

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

- See also the standard pruning guidance notes issued with the consent letter.

- 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.
- 4 **INFORMATIVE:**
Please see the link below for the Standard Pruning Guidance notes
http://stegosaurus.in.arun.gov.uk/PublicViewer/Authenticated/Main.aspx?user_key_1=R/166/18/T