

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

REF NO: R/166/20/T

LOCATION: The Manor House
48 The Street
Rustington
BN16 3NR

PROPOSAL: Various works to various trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at The Manor House, 48 The Street.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

R/28/17/TC	Various surgery to 1No. English Oak within the Rustington Conservation Area	No Objection 06-04-17
R/275/16/T	Various surgery to 5No English Oak & 4No. White Poplar trees	Approve 09-01-17
R/296/16/TC	Various tree surgery to 6No. English Oak, 1No. Copper Beech, 1No. European Beech & 1No White Poplar tree - Within the Rustington Conservation Area	No Objection 12-01-17
R/260/10/L	Application for listed building consent for small utility room extension to north elevation of property plus new detached timber oak framed structure to provide garaging and garden store with a low pitched and tiled roof.	ApproveConditionally 05-01-11
R/259/10/	Small utility room extension to north elevation of the property and new detached timber oak framed structure to provide garaging and garden store with a low pitched	ApproveConditionally 05-01-11

and tiled roof.

R/329/06/T	Surgery to various trees	ApproveConditionally 26-01-07
R/297/06/	Oak framed detached garage structure.	Refused 20-12-06 Appeal: Dismissed 15-10-07
R/187/06/L	Application for Listed Building Consent for removal of internal walls to ground floor lounge including installation of steel beams. Raise floor in original recessed lobby area to match existing lounge floor level. Carry out damp treatment and dry-lining works to existing external wall where it becomes part of enlarged lounge	ApproveConditionally 04-08-06
R/54/04/L	Application for Listed Building Consent for alterations to existing first floor master bedroom/en-suite facilities including removal of internal walls. (Modification to previous application R/119/03/L)	Withdrawn 17-03-04
R/23/04/L	Listed Building Consent for the removal of internal walls to ground floor lounge including installation of new steel beam. Raise floor in original recessed lobby area to match existing lounge floor level. Carry out damp treatment and dry lining works to existing external wall where it becomes part of enlarged lounge.	Withdrawn 17-03-04
R/119/03/L	Application for Listed Building Consent for internal alterations to existing 1st floor master bedroom to re-configure en-suite bathroom + dressing room.	ApproveConditionally 20-06-03
R/189/02/L	Application for Listed Building Consent to enlarge existing 1st floor west facing bathroom window, demolish structure at western end of ground floor annexe, provide set of hardwood oak french doors and new lintel in western elevation, insert 2no. velux conservation rooflights to the roof of the ground floor western annexe.	Apprvd Cond by DCLG 24-10-02
R/151/02/	Change of use of annexe from redundant garage &	ApproveConditionally

outbuilding to recording studio

02-10-02

R/152/02/L	Application for Listed Building Consent for 5no.roof lights, removal of wall and window, blocking up of external doors and internal alterations and formation of new doorway to north elevation.	ApproveConditionally 02-10-02
R/219/01/L	Application for Listed Building Consent for 1) construction of new sun-room extension on north elevation. 2) Part removal of existing external wall between kitchen and new sun-room and insertion of new beam to opening.	ApproveConditionally 30-11-01
R/220/01/	Proposed sun-room extension on north elevation.	ApproveConditionally 30-11-01
R/197/93/L	Application for Listed Building Consent for conversion of part of annexe to garages by raising roof approx. 300mm with plain clay tiles to match existing, reposition window on north elevation. Change existing metal window frames from grey to black and new timber garage door to west elevation.	ApproveConditionally 07-01-94
R/196/93	Change of use from club to single dwelling house and conversion of part of annexe to garages.	ApproveConditionally 09-02-94
R/185/93/TC	Felling of 1 Sycamore, 3 Poplar and 5 Oak trees, reduce crown of 3 Oak trees, removal of dead wood of 1 Oak tree and light pruning of 2 Poplar trees within the Rustington Conservation Area.	No Objection 24-12-93
R/101/93/L	Application for Listed Building Consent for Outline Application for proposed development of northern part of site with 3 detached houses each with a double garage.	Withdrawn 17-12-93
R/17/92/L	Application for Listed Building Consent for demolition of 1970's extension and addition of patio doors into window area in kitchen.	ApproveConditionally 08-07-92

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

The applicant has employed Greensmiths Tree Surgery as agent, to prepare and submit a tree survey and plan. This is comprehensive and includes a detailed work specification with satisfactory reasons given for the majority of items. With the exception of oak trees (T12 & T13) that I come to later, I do not need to list trees individually here in my report; they can be satisfactorily considered for generic comment, as follows:

The application proposes a degree of crown reduction on all trees listed.

Those poplar (x4) growing along the east boundary are mature, with heavy crowns overhanging adjacent commercial premises and busy public highway. They have been pollarded from below existing half-height. Although highly visible from afar they are incongruous and offer little public amenity in return for their hazard potential.

The oak (T2-T6 incl., T10 & T11) are in the semi/early-mature age classes and grow close in linear formation. Collectively they are an interesting feature but individually are mostly of asymmetric and slightly suppressed form. Nonetheless, they retain sufficient growth potential that stem and buttress root expansion is likely to become problematic - so a degree of containment pruning now is appropriate.

The largest oak (T12 & T13) have unmodified upper crowns and are visually impressive. They appear outwardly and from a distance to be in a fine physiological state. Their high crown can be seen from surrounding properties and by users of the busy public highway (footway and carriageway). These are trees of public amenity value and contribute positively to the character of the area.

Conclusions:

Poplar x4 - The work proposed is necessary to mitigate risk of structural failure and so justified on arboricultural grounds. APPROVE.

Oak x7 - The work proposed is justified on arboricultural grounds and if undertaken to a good standard and at the right time is unlikely to have an adverse effect on their long-term vitality and current visual amenity. APPROVE.

T12 & T13 Oak - These trees require careful management that respects their age and vulnerability to environmental changes and disease progression. They are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application has not been justified on arboricultural grounds and would result in excessive reduction of their landscape impact and undue detriment to the visual amenities of the locality. REFUSE.

Recommendations:

As it stands, I recommend REFUSAL for this application.

Advisory:

I would like to see the applicant submit a revised work specification that removes T12 & T13 Oak from the proposal.

If the applicant can agree with this advice, then I would be able to recommend APPROVAL subject to the following condition:

Condition to Be Applied to All Approved Works:

- 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.
- Where pollarding or crown reduction pruning has occurred previously, then 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.

Advisory:

The long term vitality of the oak tree s is best respected when significant pruning work such as proposed, is undertaken during the late spring to summer period (May to August). The work proposed should only be undertaken during this period.

The long term vitality of poplar tree is best respected when significant pruning work such as proposed, is undertaken during the mid winter (late December to early February) period . The work should only be undertaken during this period.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

Listed building.

DEVELOPMENT PLAN POLICIES

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following 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 The tree surgery proposed in the application to T12 & T13 Oak trees has not been justified on arboricultural grounds and would result in excessive reduction of their landscape impact and undue detriment to the visual amenities of the locality.
- 2 I would like to see the applicant submit a revised work specification that removes T12 & T13 Oak from the proposal.

- If the applicant If the applicant can can agree agree with this advice, then I would be able to recommend APPROVAL subject to the following conditions:

Condition to Be Applied to All Approved Works:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be 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. adjacent to a live bud or lateral.
- Where pollarding or crown reduction pruning has occurred previously, then 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 to accord with current industry guidelines and sound arboricultural practice.

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

Advisory:

- The long-term vitality of the oak the oak trees is best respected when significant pruning work such as proposed, is undertaken during the the late spring to summer period (May to August). The work proposed The work proposed should only be undertaken during this period.
- The long-term vitality of poplar trees is best respected when significant pruning work such as proposed, is undertaken is during the the mid-winter (late-December to early-February). The work should only be undertake during this period.

- 3 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.
- 4 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.