

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

REF NO: R/172/19/T

LOCATION: The Spires
Springfield Close
Rustington
BN16 2SZ

PROPOSAL: Various works to various trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located in the grounds of The Spires.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
Relevant site history noted.	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Rustington Parish Council has noted the above application and wishes to raise no objection to it, subject to the approval of the local Planning Authority's Arboriculturist.

I totally fail to understand how the proposal to cut down trees at the rear of our property will affect the light to 5A Springfield Close, which is a considerable distance away. The trees are essential as a screen between our property (and the adjacent properties in Angmering Lane) and the second proposed house to be constructed in the grounds of the Spires, which has already received planning permission

COMMENTS ON REPRESENTATIONS RECEIVED:

The Tree Officer has recommended consent be approved

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

There are a number of individual and groups of trees included in this proposal. The work specification in the application form and trees shown on the supporting Tree Retention and Protection Plan (Lizard Landscape and Design, dwg. no. LLD1149 / 02, Rev. 01) were simultaneously considered during my site

assessment.

No individual trees are worthy of specific comment for the purposes of reviewing this application; all can be satisfactorily considered for generic comment, as follows:

Perimeter trees provide important screening between properties and have some landscape value. Individual trees are mostly ornamental within the gardens and obscured by the boundary trees, although have potential to become statuesque and publicly visible.

The cardinal points quoted in respect of work proposals for TL15, T16 and T17 are confusing, although I assume from the specification that growth extending south into the plot is to be cut back by no more than 2.5m from its farthest extent. Such work is appropriate and would not be harmful to the health and vitality of these neighbouring trees. Exceeding this 2.5m limit would create unnecessarily large wounds and not be supported.

Conclusions:

These are trees of local significance and/or potential high amenity value. The proposed programme of work represents a balanced approach to accommodating the development with respect to tree form whilst avoiding detrimental effect to their ongoing health and vitality. It is therefore justified on arboricultural grounds.

There will be no loss of public amenity on completion of the proposed works.

Recommendations:

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built Up Area Boundary
Tree Preservation Orders

DEVELOPMENT PLAN POLICIES

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 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 trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

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See also the standard pruning guidance notes on the ADC website.

- 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.