

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

REF NO: R/198/20/T

LOCATION: Various locations
Sea Estate
Rustington

PROPOSAL: 2A Tip back branch over shed on front drive by 1m & remove lowest branches to height of 2.5m. 3A Prune selected branches to achieve maximum 1.5m reduction of lateral crown spread on North and East aspects only. 9A Tip back 5 lower branches on residents's side by 1m & dead wood. 10A Remove the one (lowest hanging) branch which is both pendulous and declining, leaving a final pruning cut of no larger than 75mm diameter.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at various locations at the Sea Estate.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
None.	

REPRESENTATIONS

No objection from Parish Council.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The applicant has submitted a tree survey and plan. This is comprehensive and includes a detailed work specification for each item.

There are ten individual trees under consideration here. All are established (mature) conifers, including cypress and several different species of pine - all of which have public amenity value and make a significant contribution to the character of the area. Those trees are ideally suited to the maritime location, although they are large and close to residential dwelling such that they require regular inspection and timely intervention pruning where required.

1A Black pine - The removal of two branches from this limb is not justified on arboricultural grounds. Such growth does not appear to be problematic or causing actionable nuisance. Pine of this age especially do not easily generate new growth to compensate for such loss and the progressive removal

of healthy low branches diminishes their aesthetic value. Recommend refusal.

2A Recommend works for approval.

3A Scots pine - Deadwood and tip back all branches on N & E side by 1m to rebalance tree. Outwardly healthy tree with asymmetric form (wind sculpted). The removal of deadwood is an exception from the normal application process. Support in principle. Amendment to work proposal (branch reduction) is required. See advisory below for suggested description.

4A - 8A incl. 5x Monterey cypress - No arboricultural justification for crown reduction pruning. It is accepted that during inclement weather small branches may break and with so many large examples of evergreen tree on the estate, those cypress will inevitably present tree managers with a high maintenance requirement. Any benefit accrued in that respect following wholesale crown reduction is likely to be slight in my view and not sufficient to justify the loss of visual amenity and commitment to repeating those works on a cyclical basis. Recommend refusal.

9A Recommend works for approval.

10A Scots pine - Reduce NE limb over drive by 1.5m back to live growth and remove secondary (lower) limb. Unable to interpret with confidence from site. In any event, pine of this age especially do not easily generate new growth to compensate for such loss and the progressive removal of healthy low branches diminishes their aesthetic value. Amendment to work proposal required. See advisory below for suggested description.

Conclusions:

- These trees require careful management that respects their age and vulnerability to environmental changes and disease progression.
- The work proposed for items 2A, 3A, 9A & 10A is justified and represents prudent management although some refinement to specifications are required.
- The work proposed for all other items although well-intentioned has not been fully justified and would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

Recommendations:

- As it stands, I recommend REFUSAL for this application.
- I would like the applicant to be invited to consider the following advisory changes to their proposal (for lesser works) so that we can APPROVE this application and allow them to proceed without incurring further delay.

Advisory:

- Remove T1A and T4A - T8A from the proposal. Note: The removal of deadwood is an exception from the normal application process.
- 3A. New specification to read: 'Prune selected branches to achieve maximum 1.5m reduction of lateral crown spread on North and East aspects only.'
- 10A. New specification to read: 'Remove the one (lowest hanging) branch which is both pendulous and declining, leaving a final pruning cut of no larger than 75mm diameter.'

- If the applicant is prepared to revise their work proposal in line with this advice, then I would be able to recommend in line with this advice, then I would be able to recommend APPROVAL of this application 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 branch union 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.

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

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 the comments from the tree officer, it is recommended consent be approved (granted), 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 branch union 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.
- 2 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 See also the standard pruning guidance notes issued with the consent letterletter
- 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.