

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

REF NO: R/208/25/T

LOCATION: Lamorna House
6 The Oaks
Rustington
BN16 2UP

PROPOSAL: Crown reduction to 1 No. Purple Maple (T1) to leave a height of 15m and spread of 6m. Crown reduction to 1 No. Ilex Oak (T2) to leave a height of 15m and spread of 3m, removal of epicormic growth and crown lift to 5m from ground level.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees stand in the front garden of 6 The Oaks.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

R/194/23/T	To pollard group/row of 9 No. limes back to previous cuts - reduce radial spread to 2.5m and height to 6m.	ApproveConditionally 15-12-23
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Relevant planning history noted.

REPRESENTATIONS

Rustington Parish Council - No objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer - I was unable to gain access to the property but could view both trees to varying extent with a neighbour's permission.

Both trees have a recent history of whole crown reduction pruning. They are visible from surrounding

properties and in part from the private road serving The Oaks.

T1 has previously been hard pruned, is effectively a pollard. The proposal seeks to repeat that operation, effectively removing most if not all of the branch network. Such work is potentially risky for tree health but is a necessity given the apparent loss of some structural integrity as a result of established and ongoing fungal decay low in the main stem, and likely target area if the tree were to become unstable.

T2 displays 2-3metres of growth beyond established knuckles. I am unable to comment on the health of this tree, but it should be able to tolerate proposed works if it possesses good vitality and the work is undertaken to a high standard and at an appropriate time of year.

Conclusions: There is sufficient extension of new growth since the last operations were undertaken and so the proposal is justified on arboricultural grounds. 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.

Recommendation: We grant consent for this application subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Tree Preservation Order.

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

There 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, subject to the following condition 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

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 Part a) 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.

Part b) 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.

Part c) Where crown reduction work has occurred previously, the removal of subsequent growth (shoots and branches) and position of final cuts must ensure retention of all established knuckles.

Reasons: In the interests of the trees' continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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 0345 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:** Hard pruning creates numerous and/or large wounds, incurring a physiological stress which may affect long-term health and vitality.

The optimum time for pruning maples (including sycamore) is summer or midwinter, as prone to bleeding. Although holm oak may respond with vigour to hard pruning, they have a poor tolerance of such work. The optimum time to prune is during mid to late winter.