

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

REF NO: R/234/19/T

LOCATION: Various locations
Sea Estate
Rustington

PROPOSAL: Various works to 1 No. Macrocarpa trees, 3 No. Holm Oak trees, 1 No. Black/Austrian Pine tree and 1 No. Monterey Pine tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

TREES The trees outlined in this application are located around the Sea Estate in Rustington, these are predominantly on verges to the front of properties.

SITE CHARACTERISTICS Private Estate

CHARACTER OF LOCALITY The trees are located around a private estate in Rustington.

RELEVANT SITE HISTORY

R/235/19/T	Various works to 1 No. Macrocarpa tree, 1 No. Monterey Pine tree and 2 No. Corsican Pine trees.	
R/241/18/T	Fell stump & grind 1No. Monterey Pine tree & various surgery to 19No. various trees.	ApproveConditionally 16-01-19
R/252/17/T	Fell 1 No. Cupressus, 1 No. Cherry & various works to various other trees.	ApproveConditionally 18-01-18
R/288/16/T	Various tree surgery	ApproveConditionally 23-01-17
R/16/16/T	Fell 1No. Prunus and various surgery to numerous trees	ApproveConditionally 11-03-16
R/288/14/T	Various tree surgery	ApproveConditionally 16-01-15

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.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

1A Monterey cypress / *Cupressus macrocarpa* Height: 10-15m Spread: 5-10m Age class: Mature

2A Monterey cypress / *Cupressus macrocarpa* Height: 10-15m Spread: 5-10m Age class: Mature

3A 2x Holm oak / *Quercus ilex* Height: 5-10m Spread: 0-5m Age class: Mature

4A Holm oak / *Quercus ilex* Height: 5-10m Spread: 0-5m Age class: Mature

5A Monterey cypress / *Cupressus macrocarpa* Height: 10-15m Spread: 5-10m Age class: Mature

6A Black/Austrian pine / *Pinus nigra* Height: 15-20m Spread: 5-10m Age class: Mature

7A Monterey pine / *Pinus radiata* Height: 15-10m Spread: 10-15m Age class: Mature

·1A & 2A - These are large, mature examples of their type, appearing to be free from obvious structural defect and in fair physiological condition with relatively unmodified and attractive crown profiles. They are heavily exposed to the coastal conditions and enjoy mutual support as companion trees.

-The proposal to reduce both the height and lateral spread on all aspects (the correct interpretation of crown reduction) potentially by 3metres respectively would involve the removal of more than two-thirds of their foliar mass. This does not comply with 'British Standard (BS3998:2010) Tree work - Recommendations' and would be likely to result in harm to the health and vitality of the trees with large pruning wounds being formed as well as undermining their visual amenity value and impact in the landscape.

·3A & 4A - These are semi/early-mature examples of their type, appearing to be free from obvious structural defect and in fair physiological condition. They have heavily modified crowns displaying a formal and controlled appearance, such that they are unlikely to realise their full potential. These are trees of limited amenity value and as such the work proposed is unlikely to be detrimental to the character of the area, although like all trees they are worthy of respect and any work should be conditioned to a high standard.

·5A - One of two companion trees, of mature age and appearing to be in a fair-poor physiological state. An old partially occluded 'hazard beam' (longitudinal split) was noted on the lowest limb tending west. This is one of the limbs proposed for removal and so that hazard can be dealt with in good time as well as ensuring adequate overhead clearance above the footway. The proposed removal of six limbs is

excessive and not justified, although there is a requirement for low branches to be pruned clear of garden vegetation to prevent direct suppression and facilitate maintenance.

·6A - This is a mature example of its type, appearing to be free from obvious structural defect and in fair physiological condition with a relatively unmodified and attractive crown profile. It is located at the southern end of the property's front boundary, a solitary pine and the obvious candidate for this work, which will involve the removal/reduction only of small diameter branches.

·7A - This is a large, mature example of its type, appearing to be free from obvious major structural defect and in fine physiological condition with an attractive crown profile. The work proposed would involve a substantial loss of foliage bearing branches and diminish the tree's visual amenity. It has not been entirely justified on arboricultural grounds. The removal of crossing (subordinate) branches is acceptable. Dead wood removal is an exception and does not require formal planning consent. The maturing black pine opposite is tolerating and not unduly suppressed by contact with limbs/branches from the much larger tree, although it would be acceptable to shorten the tips of those branches which may cause direct damage to its main stem and limb framework.

Conclusions:

·T1A, 2A, 5A and 7A require careful management that adequately respects their age and vulnerability to environmental changes and disease progression. They are all important and prominent constituents of an established population of trees which help define the character of the estate/area and so represent a significant public amenity.

·Although much of the work is well-intentioned, I find the quantity of foliage bearing branches proposed for removal to be excessive and likely to result in detriment to those tree's ongoing health, vitality and visual amenity.

·There is no obvious arboricultural justification for much of the work proposed. While I can sympathise with concern for the size of such large and aged trees in proximity to residential property, the associated inherent risk can be adequately mitigated with a regular programme of inspection by an arboriculturalist - entirely justifiable for such a large population of high amenity value trees many of which are in advanced stage of maturity.

Recommendations:

As it stands, I recommend REFUSAL for this application.

I would like to see the applicant agree to a revision of their work proposals such as I detail below (in bold), which could address some of their concerns whilst preventing a diminution of tree's landscape and public amenity value:

-1A & 2A Remove items from application.

-3A & 4A Approve as described.

-5A i) Remove lowest west tending limb.

ii) Remove small branches (<50mm diameter) as necessary to achieve maximum of 1m clearance above established garden shrubs and hedge plants.

-6A Approve as described.

-7A i) Remove crossing (subordinate) limbs to mitigate risk of failure

ii) Reduce length (by maximum of 1.5metres) of three limbs, the lowest across north and west aspects, to retard future growth rate but retain enough foliage to sustain themselves.

If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following condition:

Condition to Be Applied to All Approved Works: -

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.

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:

The applicant has agreed to the suggested changes from the Arun Arboriculturist.

POLICY CONTEXT

Tree Preservation Orders

Within the Built Up Area Boundary

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 of the tree officer and the applicants agreement to amend the proposal in line with his advice 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.

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.