

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

REF NO: R/235/19/T

LOCATION: Various locations  
Sea Estate  
Rustington

PROPOSAL: Various works to 1 No. Macrocarpa tree, 1 No. Monterey Pine tree and 2 No. Corsican Pine trees.

|                              |
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| <b>SITE AND SURROUNDINGS</b> |
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|                            |                                                                                         |
|----------------------------|-----------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above                                                                                |
| TREES                      | The trees outlined in this application are located around the Sea Estate in Rustington. |
| CHARACTER OF LOCALITY      | The Sea Estate is a private estate on the seafront in Rustington.                       |

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| <b>RELEVANT SITE HISTORY</b> |
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|            |                                                                                                                             |                                  |
|------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| R/234/19/T | Various works to 3 No. Macrocarpa trees, 3 No. Holm Oak trees, 1 No. Black/Austrian Pine tree and 1 No. Monterey Pine tree. |                                  |
| R/241/18/T | Fell stump & grind 1No. Monterey Pine tree & various surgery to 19No. various trees.                                        | ApproveConditionally<br>16-01-19 |
| R/252/17/T | Fell 1 No. Cupressus, 1 No. Cherry & various works to various other trees.                                                  | ApproveConditionally<br>18-01-18 |
| R/288/16/T | Various tree surgery                                                                                                        | ApproveConditionally<br>23-01-17 |
| R/16/16/T  | Fell 1No. Prunus and various surgery to numerous trees                                                                      | ApproveConditionally<br>11-03-16 |
| R/288/14/T | Various tree surgery                                                                                                        | ApproveConditionally<br>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:

Tree Officers Comments:

|                                            |                |               |
|--------------------------------------------|----------------|---------------|
| 1B Monterey cypress / Cupressus macrocarpa | Height: 15-20m | Spread: 5-10m |
| Age class: Mature                          |                |               |

|                                |                |               |            |
|--------------------------------|----------------|---------------|------------|
| 2B Corsican pine / Pinus nigra | Height: 10-15m | Spread: 5-10m | Age class: |
| Mature                         |                |               |            |

|                                |                |                |            |
|--------------------------------|----------------|----------------|------------|
| 3B Corsican pine / Pinus nigra | Height: 15-20m | Spread: 10-15m | Age class: |
| Mature                         |                |                |            |

|                                  |                |               |            |
|----------------------------------|----------------|---------------|------------|
| 4B Monterey pine / Pinus radiata | Height: 10-15m | Spread: 5-10m | Age class: |
| Mature                           |                |               |            |

1B - This is a large, late-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.

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 approximately two-thirds of the tree's 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 tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape.

2B - 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 a tree of character and been the subject of low branch removal to accommodate development. As

such, overhead clearance of 4-5metres on all aspects is perfectly adequate for its location and intended land use beneath. Shoot extension is only moderate and I suspect it has for some time been experiencing a degree of physiological stress, such that any intervention pruning of live material should only occur where essential to address an immediate risk of harm to persons or property.

3B - This is a large, mature example of its type, appearing to be free from obvious structural defect and in fine physiological condition with a relatively unmodified and attractive crown profile.

The precise extent of limb/branch shortening has not been specified. Nonetheless, overhead and building clearance on all aspects is perfectly adequate for its location and intended land use beneath.

4B - This is an exposed tree with correspondingly compact yet attractive crown profile. It is mature and outwardly appears to be free from obvious structural defect and in fine physiological condition.

The proposed removal of so many limbs and branches would carry a high risk of exposing the crown interior to potentially damaging winds that could rapidly diminish its visual amenity and landscape value.

#### Conclusions:

These trees require careful management that adequately respect 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 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 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:

I recommend REFUSAL for this application.

#### 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 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 trees a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.