

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

REF NO: R/263/21/T

LOCATION: Various locations throughout Sea Estate
Rustington

PROPOSAL: Various works to various trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at various locations at the Sea Estate. Tree Nos. 1A to 10A are considered in this application. Tree Nos. 11A and 12A were removed from the application following the Tree Officer's comments and subsequent correspondence with the agent/applicant.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

R/198/20/T	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 resident'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.	ApproveConditionally 30-11-20
R/234/19/T	Various works to 1 No. Macrocarpa trees, 3 No. Holm Oak trees, 1 No. Black/Austrian Pine tree and 1 No. Monterey Pine tree.	ApproveConditionally 15-01-20
R/235/19/T	Various works to 1 No. Macrocarpa tree, 1 No. Monterey Pine tree and 2 No. Corsican Pine trees.	Refused 20-12-19
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 planning history noted.

REPRESENTATIONS

No objection from Parish Council.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Arun District Council - Tree Officer comments:

- The vast majority of proposed work is justified on arboricultural grounds. Most are high-profile specimen trees of significant public amenity and to be carefully pruned to maintain adequate clearance of residential property and safety for highway users.

- I am not satisfied that there is justification for whole crown reduction pruning to Nos. 11A and 12A. They are exposed trees with correspondingly compact yet highly attractive crown profiles. They are of late-mature age class and outwardly appear to be free from significant structural defect and in fine physiological condition. They require careful management that respects their age and vulnerability to environmental changes and disease progression.

- Whilst known for their tolerance of coastal conditions they are prone to small branch breakage during inclement weather and over-extended limbs may also develop longitudinal splits. The latter is often a progressive event and usually identified during routine inspection long before they become unduly

hazardous. They are also known for being wind firm at the root-plate and free from pests and disease, the notable exception being a slow but progressive fungal infection which causes scattered dieback of distal branches. Surprisingly for trees of this age, they appear largely free of such disease and so are especially fine examples of their type.

- Crown reduction may reduce the frequency of small branch breakage in the short term but suddenly exposing the crown interior in such an exposed location may set in train a loss of vitality and structural integrity which could not be recovered.

Recommendation:

- Following the removal of tree Nos. 11A and 12A from the proposal, the Tree Officer recommends APPROVAL subject to the following conditions and informatives.

COMMENTS ON CONSULTATION RESPONSES:

Following the Tree Officer's comments, correspondence with the applicant was undertaken and proposed works to tree Nos. 11A and 12A were removed from the application.

POLICY CONTEXT

Built up area boundary.

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

It is considered that 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 (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 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 pollarding or crown reduction pruning has occurred previously (nos. 1A & 2A), then the removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

Reasons: In the interests of the trees' continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 INFORMATIVE: See also the standard pruning guidance notes issued with the consent letter.
- 3 INFORMATIVE: The long-term vitality of tree nos. 1A & 2A is best respected when significant pruning work such as proposed, is undertaken during the late spring to summer period (May to August).
- 4 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.

- 5 **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.