

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

REF NO: R/26/19/T

LOCATION: Glenhurst
Woodlands Avenue
Rustington
BN16 3ER

PROPOSAL: Reduce new growth by 2m and remove dead wood to 1 No. Sugar Maple tree.
Crown reduction by 1m on northern side 1 No. Cedar tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located along the boundary of the site.
SITE CHARACTERISTICS	Dwelling with garden to front and rear.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

R/298/16/T	Crown Reduction by 2m to previous pruning points on the South & West side of 1No. Sugar Maple.	ApproveConditionally 12-01-17
R/30/13/T	Reduce crown of 1no. Blue Cedar by approx. 1.5 metres all over & remove deadwood	ApproveConditionally 26-03-13
R/185/12/T	Reduce crown of 1 No Sugar Maple tree by 2m from house and 1m overall	ApproveConditionally 18-10-12
R/238/08/T	Crown reduction & deadwooding of 1 no Atlas Cedar and crown reduction & shape 1 no Silver Maple.	ApproveConditionally 23-12-08

Relevant history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Rustington Parish Council: No objection received from Rustington Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

T1 Silver maple / *Acer saccharinum*, Approx. height: 11m, Average spread: 4m, Age class: Early mature

T2 Blue, Atlas cedar / *Cedrus atlantica* Glauca, Approx. height: 10m, Average spread: 4m, Age class: Early mature

-T1 is in close proximity to the front elevation of the above dwelling and neighbouring property. It appears outwardly to be in a fair physiological state although it has poor form as a consequence of irregular and severe lopping such that its amenity value has been greatly diminished. It is clearly visible from the public highway (carriageway and footway).

-T2 is in close proximity to the rear elevation of the above dwelling and has also been the subject of a rather poorly executed crown reduction, with several central leading scaffold limbs devoid of foliage and in decline. It is easily visible from surrounding residential property but only with difficulty from publicly accessible land.

-It was inevitable that these two trees would come under significant 'pressure to prune' with a subsequent decline in their amenity value following construction of the above dwelling - despite having been successfully retained.

Conclusions:

·The proposal to reduce the overall height and spread of T1 with a view to restricting its growth is justified and consistent with previous works approved by the Local Planning Authority.

·The proposal to prune back branches on the north aspect of T2 as described is necessary to preserve adequate clearance from the building.

·There will be no significant loss of public amenity on completion of the proposed works.

Recommendations:

·I recommend CONSENT for this application, subject to the following conditions:

Conditions To Be Applied to Approved Work: -

·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.

·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.

·The long-term vitality of tree (T1) is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid-winter (mid-December to mid-February) periods. The work proposed must only be undertaken during these periods.

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

Mark Warwick

Tree Officer / Parks and Greenspace Team

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

DEVELOPMENT PLAN POLICES

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 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.
 - 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.
 - The long-term vitality of tree (T1) is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid-winter (mid-December to mid-February) periods. The work proposed must only be undertaken during these periods.
- 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.
- 4

INFORMATIVE:

For further details on the British Standard Pruning Guidance, please follow the link below:
http://www1.arun.gov.uk/PublicViewer/Authenticated/Main.aspx?user_key_1=R/26/19/T